

# Selected Subjects

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Thursday  
July 1, 1982

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## Selected Subjects

### **Air Carriers**

Civil Aeronautics Board

### **Air Pollution Control**

Environmental Protection Agency

### **Aliens**

Immigration and Naturalization Service

### **Aviation Safety**

Federal Aviation Administration

### **Banks, Banking**

Farm Credit Administration

### **Consumer Protection**

Civil Aeronautics Board

### **Continental Shelf**

Minerals Management Service

### **Flood Insurance**

Federal Emergency Management Agency

### **Government Procurement**

General Services Administration

### **Hazardous Materials Transportation**

Research and Special Programs Administration,  
Transportation Department

### **Health Care**

Public Health Service

### **Loan Programs—Agriculture**

Commodity Credit Corporation

### **Marine Safety**

Coast Guard

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### Medical

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Federal Register

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 908

[Valencia Orange Reg. 697; Valencia Orange Reg. 696, Amdt. 1]

#### Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 2-July 8, 1982, and increases the quantity of such oranges that may be so shipped during the period June 25-July 1, 1982. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

**DATES:** This regulation becomes effective July 2, 1982, and the amendment is effective for the period June 25-July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, 202-447-5975.

#### SUPPLEMENTARY INFORMATION:

##### Findings

This rule has been reviewed under Secretary's Memorandum 1512-1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by the committee following discussion at a public meeting on February 5, 1982. The committee met again publicly on June 29, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is steady.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

#### List of Subjects in 7 CFR Part 908

Agricultural marketing service, Marketing agreements and orders, California, Arizona, Oranges (Valencia).

1. Section 908.997 is added as follows:

#### § 908.997 Valencia Orange Regulation 697.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 2, 1982, through July 8, 1982, are established as follows:

- (1) District 1: 235,000 cartons;
- (2) District 2: 265,000 cartons;
- (3) District 3: Unlimited cartons.

2. § 908.996 Valencia Orange Regulations 696 (47 FR 27243), is hereby amended by revising subparagraphs (1) and (2) to read:

Section 908.996 Valencia Orange Regulation 696.

\* \* \* \* \*

- (1) District 1: 282,000 cartons;
  - (2) District 2: 318,000 cartons;
  - (3) District 3: Unlimited cartons.
- (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 30, 1982.

Charles R. Brader,

Director, Fruit and Vegetable Division,  
Agricultural Marketing Service.

[FR Doc. 82-18153 Filed 6-30-82; 11:45 am]

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## Commodity Credit Corporation

### 7 CFR Part 1427

[Amdt. 2]

#### CCC Cotton Loan Program Regulations Governing 1980 and Subsequent Crops; Packaging of Cotton Pledged as Collateral for Price Support Loans

**AGENCY:** Commodity Credit Corporation, USDA

**ACTION:** Final rule.

**SUMMARY:** The purpose of this final rule is to amend the Commodity Credit Corporation (CCC) Cotton Loan Program Regulations Governing the 1980 and Subsequent Crops concerning the packaging of cotton which is pledged to CCC as collateral for price support loans. The specifications for bale packaging materials used in wrapping cotton for 1982 that were approved and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC) are acceptable to CCC. Therefore, CCC is incorporating these specifications by reference and will require that 1982-crop cotton pledged to CCC as collateral for price support loan be wrapped to comply with these specifications.

**DATE:** Effective June 25, 1982.

**ADDRESS:** Grant Buntrock, Cotton, Grain, and Rice Price Support Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013.

**FOR FURTHER INFORMATION CONTACT:** Carolyn E. Cozart, Cotton, Grain, and Rice Price Support Division, USDA-

ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7987. The Final Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from the above-named individual.

**SUPPLEMENTARY INFORMATION:** This final action has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effect on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this rule applies to are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, a review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

A notice of proposed rulemaking amending the regulations governing the cotton loan program was published in the *Federal Register* on December 9, 1981, at 46 FR 60210. Under the proposed rule, CCC would require that cotton which is pledged to CCC as collateral for a price support loan be wrapped in material meeting the specifications for bale packaging materials for cotton adopted and published by the JCIBPC. The written comment period ended February 8, 1982.

There were seven responses to the proposed rule—two from spinners, one from a ginner, two from companies that are ginner, merchants and warehousemen, one from a textile manufacturer and one from the Chairman, Joint Cotton Industry Bale

Packaging Committee. The following is a summary of comments received:

*Summary of Comments to Notice of Proposed Rulemaking:* All comments received were in favor of the proposed change and strongly urged CCC to require that cotton pledged to CCC as collateral for a price support loan be wrapped in compliance with the bale packaging specifications adopted and published by the JCIBPC.

All comments received have been considered in adopting this final rule. It has been determined that the specifications for bale packaging materials used in wrapping cotton will no longer be published by CCC and codified at 7 CFR 1427.1901 through 1427.1905. These regulations will be deleted from the Code of Federal Regulations in the near future. The specifications that were approved and published by the JCIBPC for 1982-crop cotton are acceptable to CCC for packaging cotton pledged to CCC for 1982 price support loans. Therefore, CCC is incorporating these packaging specifications by reference in accordance with 1 CFR Part 51.

Copies of the specifications published by the JCIBPC will be made available to the public upon request by that Committee and by county ASCS offices.

#### List of Subjects in 7 CFR Part 1427

Cotton, Loan programs, Agriculture, Packaging and containers, Price, Support programs, Surety bonds, Warehouses.

**Note.**—The Director of the Federal Register approved the Incorporation by Reference of the 1982 specifications effective on July 1, 1982.

#### Final Rule

#### PART 1427—COTTON

Accordingly, the regulations at 7 CFR 1427.5(1) are amended to read as follows:

##### § 1427.5 Eligible cotton.

\* \* \* \* \*

(1) Each bale must be packaged in materials which meet the specifications adopted and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC), sponsored by the National Cotton Council of America, for bale coverings and bale ties or must be packaged in material and/or bale coverings and bale ties which are identified and approved by the JCIBPC as experimental packaging material. Heads of bales must be completely covered. Copies of the 1982 Specifications for Cotton Bale Packaging Materials published by the JCIBPC which are incorporated by reference are available to the public upon request at

the county ASCS office and at the following address: Joint Cotton Industry Bale Packaging Committee, National Cotton Council of America, P.O. Box 12285, Memphis, Tennessee 38112. Information with respect to experimental packaging material may be obtained from JCIBPC.

\* \* \*

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 103, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421); Sec. 602, 91 Stat. 934 (7 U.S.C. 1444))

Signed at Washington, D.C., June 25, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-17747 Filed 6-30-82; 8:45 am]

BILLING CODE 3410-05-M

#### 7 CFR Part 1464

#### Tobacco Loan Program; Deductions From Price Support Advances Paid to Producers

**AGENCY:** Commodity Credit Corporation (CCC), USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule deletes the specific dollar amount which producer associations, through which the Commodity Credit Corporation (CCC) makes price support available to tobacco producers, may deduct from price support advances paid to producers. Such deduction is to be used to help defray the associations' administrative overhead costs.

This final rule also provides that price support will be made available at auction warehouses for each lot of eligible tobacco when the final bid is less than the price support rate available for the grade of eligible tobacco comprising such lot.

**EFFECTIVE DATE:** July 1, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Harry D. Millner, Tobacco and Peanuts Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013. (202) 447-4281. The Final Regulatory Impact Analysis describing the options considered in developing this final rule is available upon request from Harry D. Millner.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." The provisions of this rule will not result in: (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries,

Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United State-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies as set forth in the Catalog of Federal Domestic Assistance are: Title: Commodity Loan and Purchases; Number: 10.051. This rule will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Section 1109 of the Agriculture and Food Act of 1981 (Pub. L. 97-98) provides that it is the intent of Congress that the tobacco price support and production adjustment program be carried out in such a manner that there would be no net cost to taxpayers, other than administrative costs. In order to accomplish this objective, the 1981 Act directed the Secretary to promulgate by January 1982 such regulations and policies as are within his existing authority.

Accordingly, a notice of proposed rulemaking was published in the *Federal Register* on February 19, 1982 (47 FR 7436) announcing that CCC was proposing to delete the specific amount (\$1.00) which producer associations were authorized by CCC to deduct from price support advances paid to producers. The public was afforded 60 days to comment on the proposal. The Department received three written comments by the close of the comment period on April 20, 1982.

Of the three comments received, two respondents were in favor of deleting the \$1.00 per hundredweight limitation on the amount which producer associations may deduct from price support advances paid to producers. The other respondent supported the proposed change with a recommendation that the amount deducted for Virginia Fire-cured (type 21) tobacco be increased to at least 6 cents per pound to cover more accurately this association's current

overhead expenses. None of the respondents stated specific reasons for supporting the proposal.

Current program regulations authorize the associations to deduct from price support advances paid to producers, an amount which is to be used by the associations to defray their administrative overhead costs. Until the 1965 crop, the authorized deduction for all tobacco marketed at auction warehouses was 12 cents per hundredweight of green tobacco which was pledged to CCC as collateral for a price support loan. From the 1965 crop through the 1973 crop, the deduction was 25 cents. Since 1974, the deduction has remained at \$1.00 per hundredweight.

With continuing increases in administrative costs for all associations and the downtrend in the volume of tobacco placed under loan, the \$1.00 deduction is no longer sufficient to cover these costs. If the amount deducted does not cover the administrative overhead costs of the associations, the associations borrow amounts from CCC to cover such expenses. By deleting the limitation on the amount which can be deducted from producer advances, the associations' need to borrow funds from CCC in order to cover their administrative costs will be reduced or eliminated. This would also reduce the cost of the program to CCC for those crop years when the proceeds from sale of loan collateral would not have been sufficient to repay CCC in full for the amounts loaned to the associations.

The change in the regulations which deletes the specified amount (\$1.00) which may be deducted from price support advances paid to growers necessitates a corresponding change in the procedure for providing price support at auction warehouses. The present regulations specify that contracts between the associations and auction warehouses require that producers must be informed that price support is available for each lot of eligible tobacco offered for sale at auction when the final bid for such lot is less than one bid above the price support advance (price support grade loan rate less the \$1.00 deduction) which is available for that particular grade of tobacco. This final rule amends these regulations to require that such contracts between the associations and warehousemen in auction markets must provide for producers to be informed that price support for eligible lots of tobacco is available when the final bid on any lot is less than the price support loan rate for that particular grade of tobacco. Since this amendment to the regulations is technical only, it has been

determined that no further public rulemaking is required with respect to this change.

#### List of Subjects in 7 CFR Part 1464

Loan programs, Agriculture, Price support programs, Tobacco, Warehouses.

#### Final Rule

#### PART 1464—TOBACCO

Accordingly, 7 CFR Part 1464 is amended as follows:

1. Section 1464.2(b)(1)(i) is revised to read as follows:

#### § 1464.2 Availability of price support.

\* \* \* \* \*

(b) *Method of providing price support*—(1) *Through auction warehouses.* (i) Price support will be available for each lot of eligible tobacco offered for sale at auction warehouses which have contracted with an association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses which will display the tobacco and offer it for sale at auction. Each contract between an association and an auction warehouse will require the auction warehouse to see that producers are informed that price support advances are available for each lot of eligible tobacco offered for sale at auction when the final bid is less than the price support rate available for the grade of eligible tobacco comprising such lot. For Flue-cured and Burley tobacco, the associations' contracts with auction warehouses will also require the auction warehouses to mark any tobacco sale bill "No Price Support" if the marketing of the pounds of tobacco covered by such bill will result in the producer marketing in excess of 110 percent of the producer's effective farm marketing quota. Producers will receive price support advances from the warehouseman for any tobacco to be consigned by the warehouseman to the association. Price support advances will be paid to the producer at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will be reimbursed by the association with funds borrowed from CCC.

\* \* \* \* \*

2. Section 1464.4(a) is revised to read as follows:

**§ 1464.4 Deductions from advances.**

(a) There may be deducted from price support advances paid to tobacco producers amounts to help defray administrative overhead costs incurred by producers associations through which price support is made available to tobacco producers.

\* \* \* \* \*

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b, 714 c); Secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1446, 1421, 1423))

Signed at Washington, D.C., on June 25, 1982.

John R. Block,  
Secretary of Agriculture.

[FR Doc. 82-12744 Filed 6-30-82; 8:45 am]

BILLING CODE 3410-05-M

**DEPARTMENT OF JUSTICE****Immigration and Naturalization Service****8 CFR Part 238****Contracts With Transportation Lines; Addition of Costa Cruise Line**

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule adds Costa Cruise Line to the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States.

**EFFECTIVE DATE:** May 14, 1982.

**FOR FURTHER INFORMATION CONTACT:** Stanley J. Kieszkil, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20538; Telephone: (202) 633-3048.

**SUPPLEMENTARY INFORMATION:** This amendment to 8 CFR 238.4 is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization entered into agreement with Costa Cruise Line, to guarantee the preinspection of their passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1228(b).

Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier to the listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 5523 and is not a rule within the definition of section 1(a) of E.O. 12291.

**List of Subjects in 8 CFR Part 238**

Air carriers, Airlines, Aliens, Common carriers, Government contracts, Inspections, Transportation, Travel restriction, Treaties.

**PART 238—CONTRACTS WITH TRANSPORTATION LINES**

Accordingly, 8 CFR Part 238 is amended as follows:

**§ 238.4 [Amended]**

1. In § 238.4, Preinspection outside the United States, the listing of transportation lines is amended by adding in alphabetical sequence, "Costa Cruise Line" under "AT VANCOUVER."

\* \* \* \* \*

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: June 25, 1982.

Andrew J. Carmichael, Jr.,  
Associate Commissioner Examinations.

[FR Doc. 82-17723 Filed 6-30-82; 8:45 am]

BILLING CODE 4410-10-M

**FARM CREDIT ADMINISTRATION****12 CFR Part 615****Funding and Fiscal Affairs; Use of Debt Management Policies To Control Amount of Outstanding Discount Notes**

**AGENCY:** Farm Credit Administration.

**ACTION:** Final rule.

**SUMMARY:** The Farm Credit Administration by its Federal Farm Credit Bureau is amending its regulations on funding and fiscal affairs, loan policies and operations, and funding operations. These amended regulations will allow the Farm Credit System Banks to use debt management policies to control the amount of outstanding discount notes as an alternative to maintaining back-up lines of credit, require bank management to adopt policies regarding the formulation of electronic data processing programs, and authorize Federal land banks to make patronage distributions. These amendments are primarily for the purpose of implementing the Farm

Credit Act Amendments of 1980 (Pub. L. 96-592) and for clarification.

**EFFECTIVE DATE:** July 30, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578, (202-755-2181).

**SUPPLEMENTARY INFORMATION:** On March 17, 1982, the Farm Credit Administration ("FCA") noticed and published for public comment proposed amendments to 12 CFR Part 615 (47 FR 11536), specifically §§ 615.5105, 615.5150, and 615.5350. The Federal Farm Credit Board ("Board") considered each of the comments received on the proposed amendments and adopted final regulations at its June 7-9, 1982 meeting.

The Board amended 12 CFR 615.5105 to authorize the Farm Credit System ("System") banks to use debt management policies to control the amount of outstanding discount notes as an alternative to maintaining formalized commercial bank lines of credit. Six comments were received on the proposal, all of which favored the regulation as proposed.

The Board amended 12 CFR 615.5150 to require each board of directors of a System bank to adopt policies regarding the formulation of electronic data processing ("EDP") and word processing ("WP") programs. Such policies shall require each System bank to develop short- and long-term EDP/WP plans for the bank and any land bank associations or production credit associations for which it has supervisory responsibility. Bank board EDP/WP policies and bank plans shall be subject to FCA approval prior to implementation. Three comments were received regarding the proposal, all of which favored the regulation as proposed.

The Board amended 12 CFR 615.5350 to implement provisions of the Farm Credit Act Amendments of 1980 (Pub. L. 96-592) which authorize the Federal land banks to make patronage distributions out of net earnings. All five commentators agreed with the proposal and one commentator suggested moving the regulation from Subpart K—Surplus and Reserves to Subpart L—Distribution of Earnings. Since the Board believed the suggestion had merit, a technical correction has been made by moving §§ 615.5350 and 615.5360 which deal with earnings from Subpart K—Surplus and Reserves to Subpart L—Distribution of Earnings.



**List of Subjects in 12 CFR Part 615**

Accounting, Agriculture, Banks, banking, Government securities, Investments, Rural areas.

**PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS**

For the reasons set out in the preamble, Part 615 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown.

1. Section 615.5105 is amended by revising paragraph (c) to read as follows:

**Subpart C—Issuance of Bonds, Notes, Debentures and Similar Obligations**

\* \* \* \* \*

**§ 615.5105 Consolidated Systemwide notes.**

\* \* \* \* \*

(c) Each bank shall either identify in the debt management policy required under § 615.5104 a maximum amount of discount notes that can be outstanding at any one time, or maintain unencumbered formalized lines of credit from commercial banks or other financial institutions at least equal to one-third of its participation in notes outstanding.

2. Section 615.5150 is amended by revising paragraph (c) to read as follows:

**Subpart E—Investments**

\* \* \* \* \*

**§ 615.5150 Real and personal property.**

\* \* \* \* \*

(c) Each bank board shall adopt policies to provide bank management with direction in the formulation of electronic data processing (EDP) and word processing (WP) programs. These policies shall require the management of each bank to develop short- and long-term plans to forecast the EDP and WP hardware, software, and communications requirements of the bank and any associations for which it has supervisory responsibility. In accordance with such plans, bank management shall formally approve the purchase or lease of computer systems by the bank or an association, and any replacement equipment, additional components, and data terminals to ensure compatibility between the bank and its associations, adherence to Farm Credit System EDP/WP standards and efficiency of operation. The establishment of computer centers, acquisition of mainframe processors,

creation of teleprocessing networks, and major software development efforts shall be addressed in the bank's long-term plan. Bank board policies shall require FCA approval prior to implementation. Bank plans shall require prior FCA approval whenever the agency determines that the EDP operation of a bank does not meet acceptable standards of efficiency or effectiveness.

3. Part 615 is amended by moving §§ 615.5350 and 615.5360 to the beginning of Subpart L.

4. Section 615.5350 is revised to read as follows:

**§ 615.5350 Federal land bank earnings.**

Federal land banks may pay patronage refunds out of the whole or any part of net earnings which remain after the restoration of the amount of any impairment of capital stock and the maintenance of a reserve account as provided in section 1.17(a) of the Act. Patronage refunds may only be distributed to borrowers and shall be in the form of allocated equities or cash or both under policies prescribed by the bank's board of directors and approved by FCA. A bank may make a patronage refund to borrowers indirectly through an association which shall make a corresponding patronage distribution of like kind and equivalent value to the borrower.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Donald E. Wilkinson,  
Governor.

[FR Doc. 82-17739 Filed 6-30-82; 8:45 am]  
BILLING CODE 6705-01-M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 82-ANE-07 Amdt. 39-4411]

**Airworthiness Directives; Pratt & Whitney Aircraft JT3D Turbofan Engine, All Models**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts an Airworthiness Directive (AD) which requires eddy current inspection for cracks in bolt holes, counterweight holes, and snap diameters on all JT3D third stage turbine disks. The AD is needed to detect cracks which could result in an uncontained third stage turbine disk failure.

**DATES:** Effective Date—This amendment is effective on July 1, 1982. Compliance Schedule—as prescribed in the body of the AD.

**ADDRESSES:** The applicable Alert Service Bulletin may be obtained from Pratt & Whitney Aircraft, Division of United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108. A copy of the Alert Service Bulletin is contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

**FOR FURTHER INFORMATION CONTACT:** Ralph S. Hawkins, (ANE-142), Engine Certification Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7347.

**SUPPLEMENTARY INFORMATION:****Prior Regulatory History**

A proposal to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to Pratt & Whitney Aircraft JT3D turbofan engines all models, was published in the *Federal Register* on March 15, 1982, (47 FR 11035). Recently, a JT3D engine installed in a DC-8 aircraft experienced an uncontained third stage turbine disk failure during takeoff roll. The failure was caused by a low cycle fatigue crack which originated in the bore of a tiered bolt hole in the third stage turbine disk. Subsequent inspection, under the cognizance of the engine manufacturer, of 150 used JT3D third stage turbine disks, has shown that 91 of those disks exhibit cracks originating at the bolt holes. Additionally, cracks were found in counterweight holes and spacer snap diameter fillet radii on some of these disks. An eddy current inspection technique has been used to detect these cracks which initiate below the surface of the wall of the bolt hole. Since this condition is likely to exist or develop on other engines of the same type design, the AD requires a repetitive eddy current inspection of third stage turbine disks, in accordance with Pratt & Whitney Aircraft Alert Service Bulletin No. 5358, "Engine, disk, 3rd stage turbine, eddy-current inspection and rework," for cracks in the bolt holes, counterweight holes, and spacer snap diameter fillet radii. Part number 418903 is an earlier third stage turbine disk design which is believed to be no longer in service. This AD removes this earlier design from use because it is more prone

to fatigue cracking than the present design.

Interested persons were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA.

One commentator provided the results from the inspection of 49 additional third stage turbine disks, which were not referenced in the Notice of Proposed Rulemaking (NPRM). These 49 additional high cyclic count disks were selected from operators who operate in cold climates and who frequently utilize reduced power for takeoff. It had been felt by some of the engine operators that their type of operation was not represented in the original 101 disk sample. Of the additional 49 third stage turbine disks which were inspected, 35 of them were found to have crack indications which exceed the acceptability limits established in Alert Service Bulletin No. 5358. This commentator also provided the results from the metallurgical examination of the fracture surfaces of four of these disks. Their analysis showed:

A. Striation count data obtained from one of these disks verified a crack initiation life at nearly the same minimum level that was established from the original sample.

B. Striations on another disk verified a crack growth rate the same as measured for disks in the original sample.

C. A third disk, with a .083 inch deep crack in a tierod hole, was estimated to have a fifty percent risk of rupture prior to reaching 8,000 cycles.

This commentator concludes that the physical condition of the additional sample of disks as well as the disk's operating environment does not differ significantly from the original sample of disks and that the inspection schedule in Alert Service Bulletin No. 5358 should be complied with. Additionally this commentator suggested that the sentence in the proposed AD, "Cracked third stage turbine disks must be removed prior to further flight." Be replaced with "Cracked third stage turbine disks can not be continued in service," in order to avoid a possible source of confusion. The FAA concurs with the additional substantiating data provided and also concurs with the proposed wording change, which is being incorporated.

Several commentators expressed concern that in light of the successful operating history of the third stage turbine disk in the JT3D engines (i.e., only one disk failure in twenty years of JT3D operation, utilizing approximately 16,000 third stage turbine disks, in over 180 million flight hours) the bolt hole eddy current inspection schedule is either unnecessary or at least unduly

restrictive. While the FAA understands that concern, the metallurgical analysis of the disk which failed as well 6 other used third stage turbine disks has provided data which supports the necessity of the inspections prescribed by this Airworthiness Directive. These data can be summarized as follows: The present retirement life for JT3D third stage turbine disks is 8,000 cycles or 16,000 hours whichever comes first. The turbine disk which failed had accumulated only 5,612 cycles since new, and showed no evidence of improper manufacture. (i.e., This disk met all dimensional, material and hardness requirements.) One of the six other disks which were metallurgically examined showed fatigue crack initiation at as low a cyclic count as the disk which failed. Another of the six other disks which were metallurgically examined showed crack growth as rapid as the disk which failed. Examination of the retirement records for 1,420 disks which had been previously retired from service showed over half of the disks had been retired prior to the accumulation of 6,000 cycles. This "early" retirement is the result of removal of disks which had reached the 16,000 hour retirement life as well as disks which were near to retirement when the engine was disassembled for maintenance and were not reinstalled because it was economically advantageous not to.

Several commentators expressed concern about the financial burden that this AD would impose on them. One commentator does not have the ability to inspect the turbine disks as rapidly as the engines come due for inspection. They estimate one or more aircraft will be grounded for up to 15 weeks while the engines wait for inspection. Another commentator stated it would cost \$866,000 to inspect 144 turbine disks which they have installed in their aircraft. Still another commentator stated that the cost of the inspection required by this AD would force him to reduce the operation of his aircraft by 500 flights. The FAA has given these comments consideration and feels the cost of the inspections is justified. If the inspections required by this AD are not performed, several more third stage turbine disk uncontained failures will be the likely result during the next several years.

One commentator referred to the difference in wording of the compliance schedules between Alert Service Bulletin No. 5358 and the text of the AD, and felt that the AD was more restrictive than the Alert Service Bulletin. The compliance schedule in the AD was rewritten to address disks with

under 4,500 cycles on the effective date of the AD and to clarify the compliance schedule. The intent of the two schedules is identical, as careful examination will show.

One commentator suggested monitoring of aircraft instrumentation to detect cracked turbine disks prior to failure. "Our aircraft is still equipped with and we are still monitoring the aircraft vibration monitoring system as a part of our engine program. Any condition which would cause a large change in vibration levels would alert us to investigate and correct any unairworthy conditions." The FAA does not feel this will provide a warning indication sufficiently in advance to allow corrective action to be taken. Historically, disk failures in turbine engines have shown normal vibration readings right up to the instant of disk failure.

While the AD was being reviewed by FAA personnel, it was realized that an opportunity for mis-interpretation of the AD existed. The AD does not intend to change the present hourly and cyclic retirement life limits on third stage turbine disks which are listed in the JT3D Overhaul Manual. Additionally, the AD does not intend that third stage turbine disks remain in use beyond the hourly and cyclic retirement life limits now listed in the JT3D Overhaul Manual. For these reasons a sentence is being added "Note: The established life limits for the third stage turbine disks shall not be exceeded."

The FAA has given careful consideration to the comments which were received, and has determined that sufficient evidence exists in the public interest of aviation safety to adopt the proposed rule with only the two minor changes that have been noted. Since these changes are for clarification and to avoid possible misinterpretation, additional notice and public procedure hereon are unnecessary.

#### List of Subjects in 14 CFR Part 39

Engine, Aircraft, Air transportation, Aviation safety, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

**Pratt & Whitney Aircraft:** Applies to all Pratt & Whitney Aircraft JT3D turbofan engines.

Compliance required as indicated, unless already accomplished.

To detect cracks in third stage turbine disks, P/Ns 418903, 438903, and 675803, which could result in fracture of the third stage turbine disk and an uncontained third stage turbine disk failure, inspect third stage turbine disks, P/Ns 438903 and 675803, for cracks in the tiered holes, counterweight holes, and spacer snap diameter fillet radii. Inspect in accordance with Pratt & Whitney Aircraft Alert Service Bulletin No. 5358, dated February 5, 1982, or later FAA approved revision, or equivalent means approved by the Chief, Engine Certification Branch, Federal Aviation Administration, New England Region, per the following schedule:

- a. Disks with less than 4,500 cycles on the effective date of this AD shall be inspected before 5,500 cycles.
- b. Disks with between 4,500 and 4,999 cycles on the effective date of this AD shall be inspected within 1,000 cycles.
- c. Disks with between 5,000 and 5,500 cycles on the effective date of this AD shall be inspected before 6,000 cycles.
- d. Disks with more than 5,500 cycles on the effective date of this AD shall be inspected within 500 cycles.

Cracked third turbine disks cannot be continued in service. Any third stage turbine disk which has a crack which is within the allowable crack repair limit(s) specified in the above referenced Pratt & Whitney Aircraft Alert Service Bulletin may be returned to service if it is repaired in accordance with this service bulletin. Any third stage turbine disk which has had all of the tiered holes and all of the counterweight holes repaired in accordance with this service bulletin must be reinspected in accordance with the service bulletin prior to the accumulation of 4,000 additional cycles after inspection. All other third stage turbine disks which are suitable for continued usage per this service bulletin must be reinspected in accordance with this service bulletin prior to the accumulation of 2,500 additional cycles after inspection. These repetitive inspections must be repeated throughout the service life of the third stage turbine disk.

Third stage turbine disks, P/N 418903, shall be removed from service within 500 cycles from the effective date of this AD or by December 31, 1982, whichever comes first. The inspection and rework provisions of Pratt & Whitney Aircraft Alert Service Bulletin No. 5358 do not apply to P/N 418903 third stage turbine disks.

**Note.**—The established life limits for the third stage turbine disks shall not be exceeded.

Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of Chief, Engine Certification Branch, FAA, New England Region, may adjust the inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

All persons affected by this directive who have not already received the referenced Alert Service Bulletin from the manufacturer may obtain copies

upon request to Pratt & Whitney Aircraft, Division of United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108. This document may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. A historical file on this AD is maintained by the FAA at the New England Region Office.

The undersigned certifies, pursuant to 5 U.S.C. 605(b), that the final rule will not, if promulgated, have a significant impact on a substantial number of small entities.

It is estimated that the domestic small entities which are affected by this AD represent 4.3% of the JT3D aircraft engines owned by the domestic U.S. entities. The total number of domestic U.S. JT3D turbofan engines affected by this AD is 1722. The total number of JT3D turbofan engines (i.e. both domestic and foreign) affected by this AD is 5023.

This amendment becomes effective on July 1, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

**Note.**—The FAA has determined that this AD involves a regulation which is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

A regulatory evaluation prepared for this regulation has been placed in the docket. A copy may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Burlington, Massachusetts, on June 17, 1982.

John B. Roach,  
Acting Director, New England Region.

[FR Doc. 82-17591 Filed 6-30-82; 8:45 am]  
BILLING CODE 4910-13-M

### 14 CFR Part 39

[Docket No. 81-WE-22-AD; Amdt. 39-4406]

#### Airworthiness Directives; Piccard Balloon Model AX-6 Balloon

**AGENCY:** Federal Aviation Administration (FAA), DOT.  
**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD) that requires certain fuel system modifications on Piccard Balloon Model AX-6 balloons. The AD is needed to reduce the delay in fuel shut-off to

lessen the risk of fire in a force landing situation.

**DATES:** Effective July 30, 1982. Compliance required within the next thirty hours time-in-service after the effective date of this AD.

**ADDRESSES:** The applicable service information may be obtained from General Balloon Corporation, Costa Mesa, California. This information also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; or Western Aircraft Certification Field Office, 15000 Aviation Blvd., Hawthorne, California 90260.

#### FOR FURTHER INFORMATION CONTACT:

Don Watt, Aerospace Engineer, Propulsion Section, ANM-174W, Western Aircraft Certification Field Office, FAA Northwest Mountain Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6382.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to adopt an airworthiness directive which requires certain fuel system modifications on Piccard Balloon Model AX-6 series balloons was published in the *Federal Register* on January 11, 1982, (47 FR 1140). The proposal was prompted by a report of a forced landing situation in which the fuel shut-off rate provisions on the Piccard Balloon Model AX-6 contributed to a hazardous situation involving a fire.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has again evaluated the proposed rule and concluded that air safety and the public interest require that the rule be adopted as proposed.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**Piccard Balloon.** Applies to Model AX-6 series hot air balloons certificated in all categories. Compliance required within the next 30 hours time-in-service after the effective date of this AD, unless already accomplished. To prevent slow operation of fuel shut-off during emergency conditions, accomplish the following:

- A. Modify the burner and fuel system to incorporate a P/N PSP 705 quick shut-off

valve at the fuel tank and a shut-off valve P/N PSP 706 on the pilot light system at the burner plate, in accordance with General Balloon Corporation Drawing No. 8200-A, dated September 28, 1981, and General Balloon Corporation Service Letter No. 8, dated December 4, 1981.

B. Install blast valve handle P/N PSP 608 and Return Spring PSP 607 in place of blast valve handle P/N S041-7 per General Balloon Corporation Service Letter No. 8, dated December 4, 1981, and drawing 8200-A, dated September 28, 1981.

C. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Balloon Corporation, Costa Mesa, California.

These documents may also be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68968, Seattle, Washington 98168; or Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California 90260.

This amendment becomes effective July 30, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

**Note.**—For the reasons discussed earlier in this rulemaking action, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the Criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the small cost to modify. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Wash. on June 15, 1982.

**Charles R. Foster,**

*Director, Northwest Mountain Region.*

[FR Doc. 82-17500 Filed 6-30-82; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 39

[Docket No. 82-ANE-13; Amdt. No. 39-4412]

#### Teledyne Continental Motors Models TSIO-520-NB, -J, -K, and -N Engines; Airworthiness Directives

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** Emergency Airworthiness Directive (AD) 82-09-01 was issued April 16, 1982, and made effective immediately upon receipt by the operators and owners of certain Teledyne Continental Motors Models TSIO-520-NB, -J, -K, and -N engines installed in, but not limited to, Cessna Models 340 and 414 series airplanes. This AD requires inspection of the fuel pressure regulator and replacement as necessary. The AD is needed to detect and replace leaking or damaged fuel pressure regulators which could result in an engine compartment fire.

**DATES:** Effective July 8, 1982, as to all persons except those persons to whom it was made immediately effective by priority mail, issued April 16, 1982.

**ADDRESSES:** The applicable service bulletin may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601.

A copy of the applicable service bulletin is contained in the Rules Docket in the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and in Room 275, Atlanta Aircraft Certification Office, Federal Aviation Administration, 3400 Norman Berry Drive, East Point, Georgia 30344.

**FOR FURTHER INFORMATION CONTACT:** R. C. Padgett, ACE-140A, Atlanta Aircraft Certification Office, Federal Aviation Administration, Central Region, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7435.

**SUPPLEMENTARY INFORMATION:** There have been reports of leakage at the fuel line connections on the fuel pressure regulator due to damaged thread bores in the regulator on certain Teledyne Continental Motors Model TSIO-520-NB, -J, -K, and -N engines. This condition could result in an engine compartment fire. The AD requires inspection of the regulator for fuel leakage and subsequent inspection of the fuel line connections at the regulator for damage to the threads in bores and on the fittings and replacement as necessary.

Since it was found that immediate corrective action was required, and notice and public procedure thereon were impracticable and contrary to the public interest, good cause existed for making the AD effective immediately to all known United States operators and owners of aircraft with TCM Models TSIO-520-NB, -J, -K, and -N engines by individual priority mail letters dated April 16, 1982. These conditions still

exist, and the AD is hereby published in the Federal Register as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

#### List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, and Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

#### Teledyne Continental Motors

Applies to the following engines installed in, but not limited to, Cessna Models 340 and 414 series airplanes:

New Engines: TSIO-520-NB serial numbers 519735 thru 519738, 519781 thru 519785, 519885 thru 519890, 519893 thru 519897, 519899 through 519915, 519929 thru 519933, 519935 thru 519937, 519939 thru 519962, 521026 thru 521045, 521049 thru 521074, 521085 thru 521088, 521097, 521141 thru 521168, 521170 thru 521183, 521187 thru 521237, 521239 thru 521247, 521249 thru 521255, 521257, 521258, 521260 thru 521281, 521284 thru 521305, 521307 thru 521335, 521339, 521340, 521342 thru 521345, 521347, 521349, 521351, 521353, 521354, 521357, 521358, 521362, 521365, 521366, 521371, 521378, 521384, 521385, 521393, 521395, 521398, 521413 thru 521418, 521441, 521442, 521455, 521461.

Rebuilt Engines: TSIO-520-J serial numbers 218830, 218831, 218836, 218838 thru 218873; TSIO-520-K serial numbers 224563, 224565 thru 224573; TSIO-520-N serial numbers 228231, 228243, 228248 thru 228250, 228255, 228262 thru 228363, 228365 thru 228368, 228373; TSIO-520-NB serial numbers 233976, 233982, 233986, 233987, 233989 thru 234058, 234060 thru 234069, 234071 thru 234074, 234077, 234078.

Compliance is required as indicated unless already accomplished.

To prevent the possibility of a fuel leak which could result in an engine compartment fire, accomplish the following:

A. Prior to next flight, activate the boost pump to static check the fuel pressure regulator inlet and outlet for leaks. Visually inspect in the area of the fuel pressure regulator for the presence of fuel stains. If either inspection indicates a leak or stains, comply with Paragraph B before further flight. If no leak or stain is evident, comply with Paragraph B within the next 10 hours of operation.

B. Remove the fuel fittings from the regulator and inspect the thread bores in the regulator and the threads of the fittings. If the threads in the regulator appear damaged, cut, or chipped (when compared to a normal pipe thread), replace the fuel pressure regulator with a serviceable regulator of a like part number. Replace any damaged fittings. Prior to installing the fittings, clean the threads with clean degreaser, Loctite "Loquic Primer

T" or equivalent, to be sure all oil and dirt is removed. Blow dry with dry compressed air. Apply Loctite Hydraulic Sealant 69 or 569 or equivalent sparingly  $\frac{1}{8}$  of the way around on the fitting threads only. To avoid contamination of the fuel cavity, do not apply sealant to the first thread. Install the fittings until tight (at least 3-5 threads engagement). Allow sealant to cure for 30 minutes before pressure testing.

**Note.**—Teledyne Continental Motors Service Bulletin No. M82-5, dated April 26, 1982, pertains to this subject.

An equivalent method of compliance may be approved by the Chief, Atlanta Aircraft Certification Office, Federal Aviation Administration, ACE-115A, P.O. Box 20636, Atlanta, Georgia 30320.

This amendment becomes effective July 8, 1982, as to all persons except those to whom it was made immediately effective by priority mail, issued April 16, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

**Note.**—The FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under the criteria of DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation has been prepared and placed in the regulatory docket. A copy may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Burlington, Massachusetts, on June 18, 1982.

**Robert E. Whittington,**  
*Director, New England Region.*

[FR Doc. 82-17714 Filed 6-30-82; 8:45 am]  
BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 82-AWP-11]

### Alteration of Transition Area, Ukiah, California

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment alters the description of the Ukiah, California, 700 foot transition area by adding an extension to the north. This extension is necessary to provide additional controlled airspace for a new instrument approach procedure using the newly installed localizer (LOC) and distance measuring equipment (DME).

**EFFECTIVE DATE:** 0900 G.m.t., September 2, 1982. Comments on the rule must be received by July 21, 1982.

**ADDRESSES:** Send comments on the proposal in triplicate to Director,

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWP-530, 15000 Aviation Boulevard, Lawndale, California 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6270.

**FOR FURTHER INFORMATION CONTACT:** Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; Telephone (213) 536-6182.

## SUPPLEMENTARY INFORMATION:

### History

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a 700 foot transition area extension to provide controlled airspace for IFR operations. This amendment represents a change in the technical description of the transition area and imposes no greater constraints on the public than presently exist.

### Requests for Comments on the Rule

Although this action is in the form of a final rule and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking procedures to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the rule that might suggest the need to modify the rule.

### The Rule

The purpose of this amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description of the Ukiah, California, transition area by adding an extension which is predicated on the installation of the LOC and DME. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to

redesignate airspace based on the new approach navigational aids. Therefore, I find that notice or public procedure under 5 U.S.C. 353(b) is contrary to the public interest.

## List of Subjects in 14 CFR Part 71

Transition area.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., September 2, 1982, as follows:

### § 71.181 Ukiah, California

Following \* \* \* "longitude 123° 12' 00" W;" add "and within 2.5 miles each side of the Ukiah localizer course extending from the 5 mile radius area to 16 miles north of runway 15 threshold; \* \* \*."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1955(c)); and 14 CFR 11.69)

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California, on June 14, 1982.

**R. L. Deveteaux,**  
*Acting Director, Western-Pacific Region.*

[FR Doc. 82-17715 Filed 6-30-82; 8:45 am]  
BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 82-ACE-15]

### Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Transition Area, Marshall, Mo.

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Final rule.

**SUMMARY:** The nature of this Federal action is to alter the 700-foot transition

area at Marshall, Missouri. The City of Marshall, Missouri, has moved the Marshall, Missouri, non-directional radio beacon (NDB) to a new location on the airport. Therefore, the FAA has developed instrument approaches utilizing the NDB at the new location. A minor alteration to the Marshall transition area is required to include these new instrument approach procedures and to ensure segregation of aircraft utilizing them under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

**EFFECTIVE DATE:** September 2, 1982.

**FOR FURTHER INFORMATION CONTACT:** Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:** The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) is to alter the Marshall, Missouri, transition area. The alteration is necessary due to the relocation of the NDB on the airport. The FAA has developed instrument approaches utilizing the NDB at its new location. The existing transition area contains practically all the airspace needed for the new approaches and the amount of airspace designated as the transition area remains essentially the same except for some minor changes to the transition area extension. The intended effect of this action is to include the new instrument approach procedures within the Marshall, Missouri, transition area in order to ensure segregation of aircraft using these new instrument approach procedures under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). Since this change is not significant and does not impose any additional burden, notice and public procedure under 5 U.S.C. 553(b) is impracticable and good cause exists for making this amendment effective in less than 30 days.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, September 2, 1982, by altering the following transition area:

#### Marshall, Missouri

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Marshall Memorial Airport (Latitude 39°05'50" N; Longitude 93°12'10" W), and

within 3 miles each side of the 353° bearing from the MHL NDB (Latitude 39°05'57" N; Longitude 93°12'11" W), extending from the 5-mile radius area to 8.5 miles north of the NDB facility; and within 3 miles each side of the 190° bearing from the MHL NDB extending from the 5-mile radius area to 8.5 miles south of the NDB facility.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Mo., on June 18, 1982.

John E. Shaw,

*Acting Director, Central Region.*

[FR Doc. 82-17717 Filed 6-30-82; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 71

[Airspace Docket No. 74-CE-26]

#### Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Transition Areas—State of Missouri

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Revision of a final rule.

**SUMMARY:** This action revises a rule appearing in FR Doc. 75-5738 on page 10172 in the issue of Wednesday, March 5, 1975. Subsequent to the issuance of this rule, it has been determined that the 1,200-foot transition area at Maples, Missouri, was inadvertently not deleted when the State of Missouri was redesignated as a 1,200-foot transition area.

**EFFECTIVE DATE:** June 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** Don A. Peterson, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:** Subsequent to the issuance of the Final

Rule on March 5, 1975 (40 FR 10172), redesignating a 1,200-foot transition area for the State of Missouri, it has been determined that the Maples, Missouri, 1,200-foot transition area was inadvertently not deleted. Since such deletion was intended but not accomplished, action is taken herein to make this revision. Inasmuch as the change is insignificant, notice and public procedure hereon are impractical and not considered necessary.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

#### The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Rulemaking Docket No. 74-CE-26 (40 FR 10172; March 5, 1975), is hereby amended by adding to the list of cities under the title "Missouri" the words: "Maples, Missouri."

(Sec. 307(a) Federal Aviation Act of 1958, as amended (49 U.S.C. 1348); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

**Note.**—This action revises a rule by correcting an inadvertent error. For this reason, the FAA has determined that it involves amendment of a regulation which is (1) not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) it is certified under the criteria of the Regulatory Flexibility Act that the amendment will not have a significant economic impact on a substantial number of small entities.

Issued in Kansas City, Mo., on June 18, 1982.

John E. Shaw.

[FR Doc. 82-17718 Filed 6-30-82; 8:45 am]

**BILLING CODE 4910-13-M**

#### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

#### 29 CFR Part 1952

#### Approval of Supplements to the Indiana State Plan: Correction

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Final rule; correction.

**SUMMARY:** The present 29 CFR 1952.324, completed developmental steps, contains one undesignated paragraph stating that the Indiana poster was approved by the Assistant Secretary on March 2, 1976. On October 6, 1981 numerous additional developmental supplements were approved by the



Assistant Secretary (46 FR 49116). The October 6, 1981 notice designated the additional approved supplements as paragraphs (b) through (m) of 29 CFR 1952.324; through an administrative oversight the existing first paragraph of the section remained undesignated. This document corrects 29 CFR 1952.324 by designating the first paragraph as paragraph (a).

**FOR FURTHER INFORMATION CONTACT:** Dennis J. Lubow, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3613, Washington, D.C. 20210, (202) 523-6021.

#### **PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS**

Accordingly, 29 CFR 1952.324 is corrected by designating the first paragraph thereof as paragraph (a). As corrected, paragraph (a) is revised to read as follows:

##### **§ 1952.324 Completed developmental steps.**

(a) In accordance with the requirements of § 1952.10, the Indiana poster was approved for use until Federal enforcement authority and standards become inapplicable to issues covered under the plan, by the Assistant Secretary on March 2, 1976.

\* \* \* \* \*

(Sec. 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 29th day of June 1982.

Thorne G. Auchter,  
Assistant Secretary.

[FR Doc. 82-18051 Filed 6-30-82; 8:45 am]  
BILLING CODE 4510-26-M

#### **DEPARTMENT OF TRANSPORTATION**

##### **Coast Guard**

##### **33 CFR Ch. I**

[CGO 82-073]

##### **Editorial Name Change**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Inter-Governmental Maritime Consultative Organization (IMCO) officially changed its name to the International Maritime Organization (IMO) on May 22, 1982. This amendment revises the references to IMCO in 33 CFR Chapter I to reflect the current name of the organization.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander James W. Gormanson, Office of Merchant Marine Safety (G-MTH-1/14), Room 1405, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202-426-1217).

**SUPPLEMENTARY INFORMATION:** Since the editorial change is due to the name change of an international organization which is beyond the control of this agency, notice and public procedure thereon are unnecessary under 5 U.S.C. 553(b)(3)(B). This amendment is effective immediately under 5 U.S.C. 553(d) because it is not a substantive rule. The Coast Guard has determined that this rule—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The Coast Guard certifies that this amendment will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Accordingly, Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

1. By amending Chapter I of Title 33, striking the words:

"Inter-Governmental Maritime Consultative Organization;"

"Inter-governmental Maritime Consultative Organization;"

"Intergovernmental Maritime Consultative Organization;" and inserting "International Maritime Organization (IMO, formerly Inter-Governmental Maritime Consultative Organization or IMCO)."

2. By amending Chapter I of Title 33, striking the word "IMCO" and inserting "IMO."

Dated: June 25, 1982.

L. N. Hein,  
Captain, U.S. Coast Guard, Acting Chief,  
Office of Merchant Marine Safety.

[FR Doc. 82-17997 Filed 6-30-82; 8:45 am]  
BILLING CODE 4910-14-M

##### **33 CFR Part 100**

[CGD 13-82-07]

##### **Columbia Cup Unlimited Hydroplane Race**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an area of controlled navigation on the

Columbia River from July 28, 1982 until August 1, 1982. This is required due to the unlimited hydroplane races scheduled for this time period as part of the Tri-Cities Water Follies Columbia Cup Unlimited Hydroplane Race. The Coast Guard through this action intends to ensure the safety of spectators and participants in this event.

**EFFECTIVE DATE:** This regulation is effective from July 28, 1982 until August 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** LCDR B. W. Mills, Commander(bb), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174, (206) 442-7355.

##### **SUPPLEMENTARY INFORMATION:**

**Discussion.** Each year, the Tri-Cities Water Follies Association sponsors an unlimited hydroplane regatta on the Columbia River near Kennewick, Washington. The event draws a large number of spectators to the beaches and waters surrounding the race course. A sizeable portion of the spectators watch the event from a significant number of pleasure craft anchored near the race course. To ensure the safety of both the spectators and the participants, a special navigational regulation providing the Coast Guard personnel with the authority to control and coordinate general navigation in the waters surrounding the race course during the event is required.

**Procedure.** This regulation has been promulgated as a Final Rule without any prior announcement or Notice of Proposed Rulemaking as the event involved is an annual affair and the regulation imposed is virtually identical to those which have been in force in prior years without adverse public criticism or comment. Although this special local navigation regulation is published as a Final Rule without prior notice, public comment is nevertheless desirable to ensure that the regulation is both workable and reasonable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "FOR FURTHER INFORMATION CONTACT" in this preamble. Commenters should include their names and addresses, identify the docket number for the rulemaking, and give reasons for their comments. Based upon comments received, the regulation may be changed.

**Drafting Information:** The principal persons involved in the drafting of this proposal are LCDR B. W. MILLS, USCG, Project Officer, CCGD13 Boating Safety Office, and LCDR R. R. CLARK, USCG, Project Attorney, CCGD13 Legal Office.

**Summary of Evaluation:** This regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.00 of 5-22-80). An economic evaluation of this notice has not been conducted since its impact is expected to be minimal. This regulation affects a short section of the Columbia River with only light commercial traffic and will be in effect for only five (5) days, two of those being Saturday and Sunday. On the days of time trials, 28 July to 31 July 1982, the Patrol Commander will allow commercial traffic to transit the area between time trials. On race day, Sunday, 1 August 1982, all traffic will be excluded. Since there was no notice of proposed rulemaking, it is herewith certified in accordance with section 605(b) of the Regulatory Flexibility Act (94 STAT. 1164) that these rules will not have a significant economic impact on a substantial number of small entities. This is clear from the limited, if any impact on commercial marine traffic that will occur as a result of this final rule.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

**Final Regulations:** In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding the following new § 100.1310:

##### § 100.1310 Columbia River/1982 Columbia Cup Unlimited Hydroplane Race.

(a) From July 28, 1982 to July 31, 1982, this regulation will be in effect from 0800 until 1900 Pacific Daylight time. On August 1, 1982 this regulation will be in effect from 0800 until one hour after the conclusion of the last race.

(b) The area where the Coast Guard will restrict general navigation and anchorage by this regulation during the hours it is in effect is:

(1) The waters of the Columbia River from the western end of Hydro Island to Lake Wallula daybeacon 49, LLP121 located east of the Interstate 395 Bridge (Blue Bridge) at Kennewick, Washington.

(c) The Coast Guard patrol of the area described in paragraph (b) of this section is under the direction of the Coast Guard Patrol Commander. He is empowered to control the movement of vessels in the area described in paragraph (b).

(d) Vessels underway in the area described in paragraph (b) during the

hours this regulation is in effect shall do so only at speeds which will create minimum wake, seven (7) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(e) A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 33 CFR 100.35)

Dated: June 23, 1982.

C. F. DeWolf,  
Rear Admiral, U.S. Coast Guard Commander,  
13th Coast Guard District.

[FR Doc. 82-17940 Filed 6-30-82; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 100

[CGD 09-82-05]

#### Joe Gimbrone Memorial Regatta; Special Local Regulation

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard will establish a regulated area in the Niagara River, on July 17 and 18, 1982. This action is required to permit the conducting of an approved marine event. It is intended to restrict vessel navigation in the Niagara River area for the safety of the spectators and participants in the event.

**EFFECTIVE DATE:** This amendment will be effective only on July 17 and 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

**SUPPLEMENTARY INFORMATION:** This rule is effective in less than 30 days after publishing. On 29 April, 1982, the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for these regulations (47 FR 18373). Interested persons were requested to submit comments and no comments were received.

#### Drafting Information

The principal persons involved in drafting this rule are MSTC Bruce Graham, Project Officer, Office of Search and Rescue, and LCDR Michael Gentile, Project Attorney, Legal Office, Ninth Coast Guard District.

#### Discussion of Comments

None was received and no significant differences exist between the proposed and final rule.

#### Summary of Final Evaluation

The Joe Gimbrone Memorial Regatta will be conducted on the Niagara River, Tonawanda Channel, on July 17 and 18, 1982. This event will have an estimated 80 hydroplanes which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Group Buffalo, NY). These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area in the Tonawanda Channel of the Niagara River can be opened periodically to allow for the passage of commercial vessels. In addition, these regulations are considered to the nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to insure the protection of life and property in the area during the event.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, Part 100 of Title 33 Code of Federal Regulations, is amended by adding the following § 100.35-0905:

##### § 100.35-0905 Niagara River, New York/Tonawanda Channel.

(a) The following area will be restricted to vessel navigation or anchorage from 11:00 a.m. (local time) until 7:00 p.m. on July 17 and 18, 1982.

(1) That portion of the east branch of the Niagara River, Tonawanda Channel, from the overhead cable, 1300 yards northeast of the South Grand Island Bridge, to an east-west line through Tonawanda Channel Buoy 35 (LLP 29).

(b) The patrol of a portion of Niagara River will be under the direction of a



designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels in the area before, during, and after the events for such time as he finds it necessary for the safe and orderly conduct of the events.

(c) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) This section 100.35-0905 will become effective at 11:00 a.m. (local time) on July 17, 1982 and will no longer be effective after 7:00 p.m. on July 18, 1982.

(Sec. 1, 35 Stat. 69 as amended, Sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: June 18, 1982.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard Commander,  
Ninth Coast Guard District.

[FR Doc. 82-17941 Filed 6-30-82; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 12

[A-9-FRL-2071-3]

### Approval and Promulgation of Implementation Plans; California Nonattainment Area Plans

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final rulemaking.

**SUMMARY:** On September 5 and 15, 1980, the Environmental Protection Agency (EPA) published notices of proposed rulemaking concerning the San Joaquin Valley, Sacramento Valley, and South Central Coast Air Basin nonattainment area plans (NAPs) for ozone, carbon monoxide (CO), and particulate matter (PM).

Today's notice takes final action to approve, conditionally approve, and disapprove portions of the NAPs for Fresno and Ventura Counties and for the Sacramento Metropolitan area (Sacramento, Yolo, and Solano Counties and a portion of Placer County).

**DATE:** This action is effective July 1, 1982.

**ADDRESS:** A copy of the NAPs is located at: The Office of the Federal Register, 1100 "L" Street, N.W., Room 8401,

Washington, D.C. 20408. Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Attn: Douglas Grano (415) 974-8222, Director, Air Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

### SUPPLEMENTARY INFORMATION:

#### Background

On October 13, 1977, January 2, October 15 and 18, November 13, December 17 and 24, 1979, and February 25, May 1 and June 2, 1980, the California Air Resources Board (ARB) submitted revisions to the California State Implementation Plan (SIP) consisting of a control strategy and regulations for the San Joaquin Valley, Sacramento Valley, and South Central Coast Air Basins. These revisions, which comprise the NAPs, are intended to provide for attainment of the ozone, CO, and PM National Ambient Air Quality Standards (NAAQS) in these Air Basins.

On September 5 and 15, 1980, EPA published notices of proposed rulemaking for the San Joaquin Valley (45 FR 58897), Sacramento Valley (45 FR 58883), and South Central Coast (45 FR 58912) Air Basin NAPs for ozone, CO, and PM. These notices should be used as references in reviewing today's notice.

#### Supplemental Revisions

After EPA's review, which appears in the September 5 and 15, 1980 notices, the State submitted revisions to the NAPs as discussed below.

#### California Environmental Quality Act (CEQA)

On October 20, 1980, the State submitted the following portions of CEQA in response to a proposed condition of approval:

Sections 2100; 21001; 21002; 21002.1; 21061; 21063; 21065; 21080.1; 21080.4(a); 21080.5 (a), (b), (c) and (d); 21081; 21082; 21100; 21104; 21151; 21153; and 21160.

EPA has determined that these portions of the CEQA satisfy the requirements of Section 172(b)(11)(A) of the Clean Air Act. The CEQA provisions were incorporated into the California State Implementation Plan in a final rulemaking notice for the South Coast Air Basin NAP published on January 21, 1981 (46 FR 5965).

#### New Source Review Rules

On March 17, 1980 the State submitted an amendment to Ventura County Rule 26, New Source Review, as a SIP

revision. The revision only modifies paragraph 26.3(a)(4) in order to delineate the boundaries of Ventura County's Southern Zone which are used in implementation of the rule.

On March 23, 1981, the State submitted amended Ventura County Rule 26.2, "New or Modified Stationary Sources—Unallocated Pollutants", as a SIP revision. The content of Rule 26.2 remains the same. However, the title has been changed in order to avoid confusion as to which pollutants are addressed in this rule. On September 5, 1980, EPA proposed that the rule be amended to require offsets for new or modified major sources of PM. The title change in Rule 26.2 clarifies that major sources of PM will in fact be included in the permitting process.

EPA finds that these revisions represent a clarification of the rules and do not change their substance. Since an opportunity to comment on the rules has already been given in the proposal notice, further comment is not considered necessary for this minor change and thus EPA finds that "good cause" exists to immediately approve these rules.

#### Volatile Organic Compound (VOC) Rules

The following rules have been received and evaluated against the requirements for reasonably available control technology (RACT) for Group I control technique guidelines (CTG) categories:

Fresno Rule 410, "Storage of Organic Liquids," submitted May 13, 1980, Placer County (Mountain Counties Air Basin portion) Rule 213, "Gasoline Transfer into Stationary Storage Containers," submitted May 28, 1981, Placer County (Mountain Counties Air Basin portion) Rule 216, "Degreasing Operations," submitted May 28, 1981, Placer County (Mountain Counties Air Basin portion) Rule 223, "Can Coating," submitted May 28, 1981, Sacramento Rule 13, "Gasoline Transfer into Stationary Storage Containers," submitted December 15, 1980, Sacramento Rule 18, "Can Coating," submitted June 24, 1980, Sacramento Rule 20, "Degreasing Operations," submitted October 23, 1981, Yolo-Solano Rule 2.13(h)(6), "Organic Solvents," submitted March 30, 1981 (cutback asphalts), Ventura Rule 70, "Transfer of Gasoline into Motor Vehicle Fuel Tanks," submitted October 23, 1981, and Ventura Rule 71.2, "Storage of Organic Liquids," submitted January 28, 1981.

EPA has evaluated all of the rules described above as Group I CTG category rules and had found that each of them fulfills the requirement for RACT for the corresponding source category. Further, all of the rules listed above are consistent with Section 110 of the Clean Air Act since they provide emission limits necessary to insure attainment of the NAAQS.

The Fresno Rule 410 also addresses requirements for Fixed and Floating Roof Tanks, a Group II CTG category, as does Ventura Rule 71.2, "Storage of Organic Liquids," submitted January 28, 1981. Adequacy of these rules to fulfill Group II RACT requirements is addressed in a separate notice published in the *Federal Register* on July 29, 1981 (46 FR 38725). While EPA believes that these two rules now satisfy the requirements for fixed roof tanks (a Group I CTG source category), final approval of these two rules will be based on the July 29, 1981 proposal.

Revised Sacramento County APCD Rules 13 and 20 contain only minor amendments as compared with Rules 13 and 20 evaluated as part of the September 5, 1980 Notice. Ventura County Rule 70(E) submitted on October 23, 1981 also contains only minor amendments as compared to Rule 70 discussed in the September 5, 1980 notice. Yolo-Solano Rule 2.13(h)(6) has been amended by (1) establishing a limit of 1% on the VOC content of emulsified asphalts, (2) limiting the exemption for stockpiling to only the winter months, and (3) restructuring the rule to clarify the applicability of the rule to cutback asphalt users. These amendments were designed to satisfy each of the deficiencies noted in the September 5, 1980 notice, and therefore, the proposed conditions for Rule 2.13(h)(b) have been satisfied. EPA has determined that "good cause" (see Administrative Procedure Act, 5 U.S.C. 553(b)) exists to approve the above items without providing further notice and opportunity to comment since the revisions represent only minor amendments or merely satisfy certain conditions of approval.

EPA has also determined that the Placer County (Mountain Counties portion) Rules 213, 216, and 223 and Sacramento County Rule 18 are similar and equivalent to the model rules evaluated as part of the September 5, 1980 Notice. As noted in EPA's evaluation of the model rule, the requirements of the model rule were sufficient to allow EPA to rescind the Federal Regulation 40 CFR 52.255, "Gasoline transfer vapor control". EPA is therefore rescinding the Federal

Regulation as applicable to Placer County. Because these rules are similar and equivalent, EPA also finds that for good cause an additional notice and comment on these Rules is unnecessary (See U.S.C. Section 553(b)(B), Administrative Procedure Act).

#### Other NAP Revisions

##### Fresno County

On October 9, 1980, the ARB submitted the following document in order to satisfy a proposed condition of approval concerning Fresno County:

*Air Quality Planning Addendum—Council of Fresno County Governments 1979–84 Overall Work Program.* EPA has reviewed the above document and agrees that it contains adequate commitments and schedules for study of transportation control measures.

##### Sacramento Metropolitan Area

On October 9, 1980, the ARB submitted two items in order to satisfy proposed conditions of approval. EPA's evaluation of these items follows:

1. *Emission Inventory, 1976.*
2. *Air Quality Plan Technical Appendix, January 1979.*

EPA proposed as a condition of approval the submittal of revised CO and hydrocarbon (HC) emission inventories which include emissions for the total nonattainment area and supporting documentation for emission factors and projections. EPA has reviewed the above two items and determined that the condition of approval should be deleted.

##### Ventura County

On April 1, and July 16, 1981, the ARB submitted nine items in order to satisfy proposed conditions of approval published in the September 5 notice. EPA's evaluation of these items follows:

1. *Appendix B-81, Empirical Kinetic Modeling Approach: Ozone Formation, Transport, and Concentration Relationships in Ventura County; Update of Emission Reduction Required for Attainment of Ozone NAAQS.*

EPA proposed as a condition of approval the submittal of documentation to support the ozone design value. EPA has reviewed the above item and determined that the deficiency has been corrected.

2. Letter: Jan Bush to Mike Redemer, January 23, 1981. (See discussion under item 6.)

3. Letter and enclosures: Janet Lyders to Mike Scheible, February 6, 1981. (See discussion under item 7.)

4. Letter and enclosures: Jan Bush to William Lockett, December 15, 1980. (See discussion under item 6.)

5. Letter and enclosures: Jan Bush to William C. Lockett, October 23, 1980. (See discussion under item 6.)

#### 6. Attachment V—Transportation Control Measures.

EPA proposed as a condition of approval the submittal of (a) currently programmed transportation control measures (TCMs) and (b) schedules and commitments for these measures. EPA has reviewed the above document, together with items 4 and 5, and determined that the condition of approval is satisfied.

EPA also proposed as a condition of approval the submittal of an identification and commitment to the resources needed for implementation of the plan and for analysis and adoption of TCMs. EPA's review of items 4, 5, and 6, found the necessary identification and commitments. Therefore, the condition of approval is met.

#### 7. Ventura Air Quality Management Plan, Appendix Q, *Plan for Attainment of Standards for Total Suspended Particulates in Ventura County: Interim Report*, July, 1980.

EPA proposed as a condition of approval the submittal of documentation to support the particulate matter design value. EPA has reviewed the above document and the information provided in item 2 above and determined that they adequately explain why certain data were not used. The proposed EPA condition of approval is therefore deleted.

EPA also proposed as a condition of approval the submittal of revised emission reduction estimates per control tactic for particulate matter. EPA has determined that the above document satisfies this condition of approval.

#### 8. Attachment IV—Population Forecasts. This item updates population growth forecasts contained in Ventura County's AQMP and proposed for approval September 5, 1980. Since only minor changes are made, this item is approvable.

#### 9. Attachment VI—Implementation of Emission Reductions Required for Attainment of TSP Standards.

EPA proposed as a condition of approval the submittal of needed tasks and a schedule to define nontraditional particulate sources, to characterize secondary particulate sources, and to develop, adopt, submit, and implement control measures. EPA has reviewed the above document and determined that the needed tasks and schedules are provided. Therefore, the condition is satisfied.

EPA has determined that "good cause" exists (see Administrative Procedure Act, 5 U.S.C. 553(b)) to

approve all of the above (twelve) items without providing further notice and opportunity to comment. EPA has already provided opportunity to comment on the substance of these items which were addressed in the September 5, 1980 proposal notice. Additional comment would serve no practical purpose since these revisions merely satisfy certain conditions of approval.

#### Public Comments

During the public comment period, EPA received comments from the Air Resources Board, the Council of Fresno County Governments, the County of Fresno Department of Health, the Sacramento Regional Area Planning Commission, the County of Sacramento Air Pollution Control District, and the County of Ventura Air Pollution Control District. A document containing the summarization of comments and the EPA response to each, entitled "EPA Public Comment Technical Support Document," is available for public inspection as a part of Document Files NAP-CA-04, 16, and 30 at the EPA library in Washington, D.C., at the EPA Region 9 office in San Francisco, CA and at the other Document locations listed in the September 5, 1980 notices.

#### EPA Actions

##### Introduction

The criteria used in EPA's review are detailed in the General Preamble and four supplements referenced in the notice of proposed rulemaking.

While EPA's evaluation of the NAP for ozone includes use of "Control Technique Guidelines" ("CTG's") documents as a "presumptive norm," the states may adjust the recommended controls or develop requirements which are not based on the CTG's, provided that they submit information supporting their decisions.

It should be noted that action may be taken on a portion of a NAP for a specific pollutant or rule. Therefore, a portion of a NAP may be adequate for one pollutant but inadequate for others. Further, a rule may be adequate under Section 110, but inadequate under Section 172 or 173 of the Act. It is EPA's policy to take final action on all portions of a NAP for each pollutant.

Therefore, this notice contains a series of actions for each pollutant and for each portion of the NAP rather than a single action. One of the following three actions may be taken for each portion of a NAP:

1. Disapproval where deficiencies are of such magnitude as to significantly

interfere with the basic objective of the NAP; or

2. Approval where the portion of the NAP under consideration meets all requirements; or

3. Approval with conditions where deficiencies exist, but where the effect of the deficiency is not judged to be major and where the State has agreed to take those steps necessary to correct the deficiency. In this case, it is EPA's understanding that the State will proceed expeditiously to correct the noted deficiency by certain dates.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). Under section 307(b)(2), this action may not be challenged later in proceedings to enforce its requirements.

EPA's final actions described below are based on the proposed rulemaking notice, supplemental revisions submitted by the State, and public comments received by EPA.

##### Approved Portions of the NAPs

EPA is taking action under Section 110 of the Clean Air Act to approve the following rules since they provide emission limits necessary to insure attainment of the NAAQS: Fresno County rules 409, 409.1, 409.3, 409.4, 409.5, and 411; Placer County rules 212, 213, 215 to 219, and 223; Sacramento County rules 6, 11, 12 and 16 to 20; Ventura County rules 2, 70, 71, 71.1, 71.3, 74.3, 74.4, 74.6, 74.7 and 74.8; and Yolo-Solano rules 2.13(h)(6), 2.14, 2.21, 2.21.1, 2.24, and 2.25.

In addition, EPA is taking action under Part D of the Act to approve the following VOC rules since they fully satisfy the requirements for RACT for Group I CTG source categories: Fresno County rules 409.3, 409.4, 411, and 412; Placer County rules 212 (11/13/79 version) 213, 215, 216, and 223; Sacramento County rules 11, 12, 13, 17, 18, and 20; Yolo-Solano County rules 2.13(h)(6), 2.21, 2.21.1 and 2.25; and Ventura County rules 70, 71, 71.1, 71.3, and 74.8.

As proposed in the September 5 notices and discussed in the Public Comment Technical Support Document, and the SUPPLEMENTAL REVISIONS section of this notice, EPA is taking final action under Section 172 to approve the following portions of the Fresno, Sacramento Metropolitan, and Ventura NAPs for CO, O<sub>3</sub>, and PM: emission inventory, modeling, emission reduction estimates, attainment provision, RFP, legally adopted measures (Ventura only), emissions growth, annual reporting, resources, public and

government involvement, public hearing and extension requirements.

##### Conditionally Approved Portions of the NAPs

As discussed in the proposal notices, the Public Comment Technical Support Document, and the SUPPLEMENTAL REVISIONS section of this notice, the following portions of the NAPs contain minor deficiencies with respect to Sections 172 and 173: legally adopted measures (Sacramento Metropolitan and Fresno areas only), permit program and extension requirements for VOC.

Since the State and the lead planning agencies have assured EPA that they will submit the material to correct the minor deficiencies, EPA takes final action to conditionally approve these portions of the NAP.

To satisfy the conditions of approval, the State must submit the following material by the indicated dates:

1. By October 29, 1982 the NSR rules must be revised to meet the requirements in EPA's amended regulations for NSR under Section 173 of the Clean Air Act (May 13, 1980, 45 FR 31307), August 7, 1980, 45 FR 52676) and October 14, 1981 (46 FR 50766) and submitted as a SIP revision.

2. By October 29, 1982, the State must provide either (1) an adequate demonstration that the following regulations represent RACT, (2) amend the regulations so that they are consistent with the CTG, or (3) demonstrate that the regulations will result in VOC emission reductions which are within five percent of the reductions which would be achieved through the implementation of the CTG recommendations.

##### Yolo-Solano County APCD

Rule 2.24, "Solvent Cleaning Operations (Degreasing)"

##### Ventura County APCD

Rule 74.3, "Fabric and Film Coating"

3. By (120 days after publication of this notice), submit commitments and implementation schedules for the five transportation control measures included in the Sacramento Metropolitan and Fresno area plans.

##### Disapproved Portions of the NAPs

Since the State has not provided the necessary legal authority, the I/M portion of these NAPs for CO and/or O<sub>3</sub> is disapproved.

##### Final Overall Action on the NAPs for Fresno, Sacramento and Ventura

Since the Fresno and Ventura NAPs for PM contain only minor deficiencies

and since the State has provided assurances to correct these deficiencies, EPA is taking final action to conditionally approve this portion of the NAPs. As a result, the prohibition on construction of major or new or modified sources is no longer in effect in Fresno and Ventura Counties for PM. Further, the prohibition is not in effect for PM sources in the Sacramento Metropolitan area since the area is nonattainment only for the welfare related secondary standard.

Due to the I/M disapproval, today's actions also result in an overall disapproval of the Fresno, Sacramento and Ventura NAPs for CO and O<sub>3</sub>. This retains the current prohibition on construction of major new or modified VOC and (except in Ventura County)<sup>1</sup> CO sources in these three nonattainment areas.

### Regulatory Process

In those areas for which the State of California has submitted approvable or conditionally approvable NAPs in accordance with the requirements of Part D of the Clean Air Act, EPA has a responsibility to take final action as soon as possible in order to lift the construction prohibition. Since the State has submitted a conditionally approvable NAP for PM for the counties discussed in this notice, EPA finds that good cause exists for making this action immediately effective.

The new SIP requirements approved or conditionally approved by today's notice are an addition to the existing SIP and do not supersede or replace the "old" SIP requirements until a source comes into compliance with the new requirements. For further information, see EPA's General Preamble.

As a result of approval of certain portions of the NAPs, EPA is taking final action to rescind the following analogous portions of 40 CFR Part 52 for the counties indicated:

- § 52.246 *Control of dry cleaning solvent losses* (Placer County)
- § 52.252 *Control of degreasing operations* (Placer County)
- § 52.253 *Metal surface coating thinner and reducer* (Placer County)
- § 52.254 *Organic solvent usage* (Placer County)
- § 52.255 *Gasoline transfer vapor control* (Fresno, Placer, Sacramento, Ventura, and Yolo-Solano Counties)
- § 52.256 *Control of evaporative losses from the filling of vehicular tanks* (Sacramento County)

In addition, § 52.253 and § 52.254 are rescinded as applicable to the coating of

metal parts and products for sources in full compliance with Fresno County Rule 409.4 or Yolo-Solano County Rule 2.25.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major". Further, under the Regulatory Flexibility Act, EPA must assess the effect of the rulemaking action on "small entities". This regulation is not "major" because it approves state and local actions and imposes no new requirements. I hereby certify that the action will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 12291, this regulation was submitted to the Office of Management and Budget (OMB) for review.

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 30, 1982. This action may not be challenged later in proceedings to enforce its requirements.

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

### List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110, 129, 171-178, and 301(a), Clean Air Act, as amended [42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)]).

Dated: June 14, 1982.

Anne M. Gorsuch,  
Administrator.

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(47)(ii)(B), (50)(ix), (52)(xiii) (B) and (xv), (54)(i)(B), (iv) and (v), (56)(ii), (58)(iv), (71), (74)(iii), (77)(ii)(B), (79)(iii), (82)(i), (85)(iii), (89)(ii), (91), (92)(ii), (95)(ii), (97), and (103) (iv) and (v) as follows:

#### § 52.220 Identification of plan.

- (c) \* \* \*
- (47) \* \* \*
- (ii) \* \* \*
- (B) New or amended Rule 409.1.
- (50) \* \* \*

(ix) Ventura County APCD.

(A) New or amended Rules 71 and 71.3.

\* \* \* \* \*

(52) \* \* \*

(xiii) \* \* \*

(B) New or amended Rules 215 and 219.

\* \* \* \* \*

(xv) Fresno County APCD.

(A) New or amended Rules 210.1 [except paragraphs (3)(D) and (5)(B)(8)], 210.2, 409.5, 409, 409.3, 409.4, and 411.

\* \* \* \* \*

(54) \* \* \*

(i) \* \* \*

(B) New or amended Rule 71.1.

\* \* \* \* \*

(iv) \* \* \*

(B) New or amended Rules 2.21, 2.21.1, 2.24 and 2.25.

(v) Sacramento County APCD.

(A) New or amended Rule 17.

\* \* \* \* \*

(56) \* \* \*

(ii) Ventura County APCD.

(A) Amended Rule 26.3.

\* \* \* \* \*

(58) \* \* \*

(iv) Ventura County APCD.

(A) New or amended Rule 74.3.

\* \* \* \* \*

(71) The *San Joaquin Valley Air Basin Control Strategy* (Chapter 16 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards) submitted on October 11, 1979, by the Governor's designee. Those portions of the *San Joaquin Valley Air Basin Control Strategy* identified by Tables 16-1a, 1b and 1c (Summary of Plan Compliance with the Clean Air Act Requirements) comprise the submitted plan. The remaining portions are for informational purposes only.

\* \* \* \* \*

(74) \* \* \*

(iii) Ventura County APCD.

(A) New Rule 70 (except paragraph E).

\* \* \* \* \*

(77) \* \* \*

(ii) The South Central Coast Air Basin Control Strategy [Chapter 17 of the Comprehensive Revision to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards]. Those portions of the South Central Coast Air Basin Control Strategy identified by Tables 17-1 and 17-2 "Location of Plan Elements Which Meet Clean Air Act Requirements" together with the rules identified below comprise the submitted nonattainment area plan. The remaining

<sup>1</sup>Ventura County is attainment for CO.

portions are for informational purposes only.

- (A) \* \* \*
- (B) Ventura County APCD Rules 26 (except 26.2, 26.3 and 26.4), 74.4, 74.7, and 74.8.

- (79) \* \* \*
- (iii) Ventura County APCD.
- (A) New or amended Rule 2.

- (82) \* \* \*
- (i) Ventura County APCD.
- (A) New or amended Rule 74.6.

- (85) \* \* \*
- (iii) Sacramento County APCD.
- (A) New or amended Rule 13.

- (89) \* \* \*
- (ii) Yolo-Solano County APCD.
- (A) New or amended Rule 2.13(h)(6).

(91) The following amendments to the plan were submitted on November 13, 1979, by the Governor's designee.

- (i) The Sacramento Valley Air Basin Control Strategy (Chapter 13 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards); those portions pertaining to the Sacramento Metropolitan Area including the following rules:

- (A) Placer County APCD (Mountain Counties Air Basin portion) Rules 212, 217, and 218.

- (B) Sacramento County APCD Rules 6, 11, 12, 16, 19, and 56 (except paragraph (5)(a)(8)).

- (C) Yolo-Solano County APCD Rules 2.14 and 3.4 (except paragraph (5)(a)(8)).

- (92) \* \* \*
- (ii) Placer County (Mountain Counties Air Basin portion).

- (A) New or amended Rules 213, 216, and 223.

- (95) \* \* \*
- (ii) Ventura County APCD.
- (A) Amended Rule 26.2.

(97) Revised regulations for the following APCDs submitted on June 24, 1980, by the Governor's designee.

- (i) Sacramento County APCD.
- (A) New or amended Rule 18.

- (103) \* \* \*
- (iv) Ventura County APCD.
- (A) Amended Rule 70(E).
- (v) Sacramento County APCD.
- (A) Amended Rule 20.

(109) Three items submitted for Fresno County and the Sacramento Metropolitan Area by the Governor's designee on October 9, 1980:

- (i) *Air Quality Planning Addendum-Council of Fresno County Governments 1979-84 Overall Work Program.*
- (ii) *Emission Inventory, 1976* for the Sacramento Metropolitan Area.
- (iii) *Air Quality Plan Technical Appendix, January 1979* for the Sacramento Metropolitan Area.

(110) Five items submitted for Ventura County by the Governor's designee on April 1, 1980:

- (i) *Appendix B-81, Empirical Kinetic Modeling Approach: Ozone Formation, Transport, and Concentration Relationships in Ventura County; Update of Emission Reduction Required for Attainment of Ozone NAAQS.*

- (ii) Letter: Jan Bush to Mike Redemer, January 23, 1981.

- (iii) Letter and enclosures: Janet Lyders to Mike Scheible, February 6, 1981.

- (iv) Letter and enclosures: Jan Bush to William Lockett, December 15, 1980.

- (v) Letter and enclosures: Jan Bush to William Lockett, October 23, 1980.

(111) Four items submitted for Ventura County by the Governor's designee on July 16, 1981:

- (i) Attachment V—Transportation Control Measures.

- (ii) Ventura Air Quality Management Plan, Appendix O, *Plan for Attainment of Standards for Total Suspended Particulates In Ventura County: Interim Report*, July, 1980.

- (iii) Attachment IV—Population Forecasts.

- (iv) Attachment VI—Implementation of Emission Reductions Required for Attainment of TSP Standards.

2. Section 52.222 is amended by adding paragraphs (d)(3)(ii), (4)(ii) and (5) as follows:

#### § 52.222 Extensions.

- (d) \* \* \*
- (3) \* \* \*
- (ii) Ventura County for O<sub>3</sub>.
- (4) \* \* \*
- (ii) Fresno County for O<sub>3</sub> and CO.
- (A) Fresno-Clovis Metropolitan Area for CO.
- (5) Sacramento Valley Air Basin.
- (i) Sacramento Metropolitan Area for O<sub>3</sub>.
- (ii) Sacramento County for CO.

3. Section 52.223 is amended by adding paragraphs (b)(5)(viii) and (6)(ii) as follows:

#### § 52.223 Approval status.

- (b) \* \* \*
- (5) \* \* \*
- (viii) Fresno County for TSP.
- (6) \* \* \*
- (ii) Ventura County for TSP.
- (4) Section 52.232 is amended by adding paragraph (a)(11) as follows:

#### § 52.232 Part D conditional approval.

- (a) \* \* \*
- (11) Fresno County, Sacramento Metropolitan, and Ventura County nonattainment areas.
- (i) For ozone, CO (except Ventura County) and PM (except Sacramento County):
- (A) By (120 days after publication of this notice) the NSR rules must be revised to meet the requirements in EPA's amended regulations for NSR under Section 173 of the Clean Air Act (May 13, 1980 (45 FR 31307)) August 7, 1980 (45 FR 52676), and October 14, 1981 (46 FR 50766).

- (ii) For ozone: By (120 days after publication of this notice), the State must provide either (1) an adequate demonstration that the following regulations represent RACT, (2) amend the regulations so that they are consistent with the CTG, or (3) demonstrate that the regulations will result in VOC emission reductions which are within five percent of the reductions which would be achieved through the implementation of the CTG recommendations:

#### Yolo-Solano County APCD

Rule 2.24, "Solvent Cleaning Operations (Degreasing)".

#### Ventura County APCD

Rule 74.3, "Fabric and Film Coating".

- (iii) For ozone and CO for the Sacramento Metropolitan and Fresno areas:

- (A) By October 29, 1982, submit commitments and implementation schedules for the five transportation control measures included in the plans.

5. Section 52.233 is amended by rescinding paragraphs (b), (d)(4), (18), and (28), (e), (f)(1)(i) (b) and (d), and (g)(1) (iv), (xvi) and (xxvi).

6. Section 52.237 is amended by adding paragraph (a)(3), (4) and (5) as follows:

#### § 52.237 Part D disapproval.

- (a) \* \* \*
- (3) The portions of the *San Joaquin Valley Air Basin Control Strategy* which

pertain to an I/M program in Fresno County.

(4) The portions of the *South Central Coast Air Basin Control Strategy* which pertain to an I/M program in Ventura County.

(5) The portions of the *Sacramento Valley Air Basin Control Strategy* which pertain to an I/M program in the Sacramento Metropolitan area.

7. In § 52.238, the entries for Fresno County in the San Joaquin Valley Intrastate, the Sacramento Valley Intrastate, and Ventura County in the South Central Coast Intrastate are revised as follows:

**§ 52.238 Attainment dates for national standards.**

\* \* \* \* \*

Air quality control region and nonattainment area	Pollutants					
	TSP		SO <sub>2</sub>		NO	CO
	Primary	Secondary	Primary	Secondary		
San Joaquin Valley Intrastate						
a. Fresno County:						
Fresno-Clovis Metropolitan Area.....	h.....	h.....	d.....	e.....	e.....	i.....
Remainder.....	h.....	h.....	d.....	e.....	e.....	i.....
Sacramento Valley Intrastate						
Sacramento Metropolitan Area.....	d.....	e.....	d.....	e.....	e.....	i.....
Sacramento County.....	d.....	h.....	d.....	e.....	e.....	i.....
Yolo-Solano County (section).....	d.....	e.....	d.....	e.....	e.....	i.....
Mountain Counties Intrastate						
Sacramento Metropolitan Area Placer (portion).	d.....	e.....	d.....	e.....	e.....	i.....
Metropolitan Los Angeles Intrastate						
Ventura County (mainland portion):						
North of Southern Los Padres N.F. boundary.	h.....	h.....	d.....	e.....	e.....	i.....
South of Southern Los Padres N.F. boundary.	h.....	h.....	d.....	e.....	e.....	i.....

8. Section 52.246 is amended by adding paragraph (b)(1)(ii) as follows:

**§ 52.246 Control of dry cleaning solvent vapor losses.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(ii) Placer County APCD (Mountain Counties Air Basin portion).

\* \* \* \* \*

9. Section 52.252 is amended by adding paragraph (b)(1)(ii) as follows:

**§ 52.252 Control of degreasing operations.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(ii) Placer County APCD (Mountain Counties Air Basin portion).

\* \* \* \* \*

10. Section 52.253 is amended by revising paragraph (b)(1) and by adding paragraph (b)(1)(iii) and (b)(3)(viii) to read as follows:

**§ 52.253 Metal surface coating thinner and reducer.**

\* \* \* \* \*

(b) \* \* \*

(1) In the following portions of the Sacramento Valley Intrastate Region, this section is either fully rescinded or partially rescinded subject to the conditions specified as follows:

\* \* \* \* \*

(ii) Placer County APCD (Mountain Counties Air Basin portion).

(iii) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Yolo-Solano County Rule 2.25 submitted on February 25, 1980.

\* \* \* \* \*

(3) \* \* \*

(viii) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Fresno County Rule 409.4 submitted on October 15, 1979.

\* \* \* \* \*

11. Section 52.254 is amended by revising paragraph (a)(1)(i) and by adding paragraph (a)(3)(iv) to read as follows:

**§ 52.254 Organic solvent usage.**

(a) \* \* \*

(1) \* \* \*

(i) This section is rescinded entirely for metal parts and products coaters which are subject to and in full compliance with Rule 409.4 for the Fresno County APCD, Rule 410.4 for the Kings County APCD, Rule 410.4 for the Madera County APCD, Rule 409.4 for the Merced County APCD, Rule 409.4 for the San Joaquin County APCD, Rule 409.4 for the Stanislaus County APCD, and Rule 410.4 for the Tulare County APCD.

\* \* \* \* \*

(3) \* \* \*

(iv) Placer County APCD (Mountain Counties Air Basin portion).

\* \* \* \* \*

12. Section 52.255 is amended by revising paragraph (b), by reserving paragraphs (b)(1)(i) and (iv), (b)(2), and (b)(3)(iii)-(viii), and by adding paragraphs (b)(3)(x)-(xii) to read as follows:

**§ 52.255 Gasoline transfer vapor control.**

\* \* \* \* \*

(b) This section is applicable in the Metropolitan Los Angeles and Sacramento Valley Intrastate Air Quality Control Regions, as described in 40 CFR Part 81, dated July 1, 1979, with the following exceptions:

(1) \* \* \*

(i) [Reserved]

\* \* \* \* \*

(iv) [Reserved]

\* \* \* \* \*

(2) [Reserved]

(3) \* \* \*

(i) \* \* \*

(ii)-(viii) [Reserved]

(ix) \* \* \*

(x) Placer County APCD (Mountain Counties Air Basin portion).

(xi) Sacramento County APCD.

(xii) Yolo-Solano County APCD.

(xiii) Ventura County APCD.

\* \* \* \* \*

13. Section 52.256 is amended by adding paragraph (b)(3) to read as follows:

**§ 52.256 Control of evaporative losses from the filling of vehicular tanks.**

\* \* \* \* \*

(b) \* \* \*

(3) In the following portion of the Sacramento Valley Intrastate Region, this section is rescinded.

(i) Sacramento County APCD.

\* \* \* \* \*

[FR Doc. 82-17780 Filed 6-30-82; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Part 52****[A-6-FRL-2130-4]****Approval and Promulgation of Implementation Plans; Deletion of Five Texas Counties From Stage 1 Vapor Recovery for the Filling of Gasoline Storage Vessels at Motor Vehicle Fuel Dispensing Facilities****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** This action approves a revision to the Texas State Implementation Plan (SIP) submitted to EPA by the Governor on November 2, 1979. This action deletes the counties of Jefferson, Orange, El Paso, Nueces, and Travis from Stage I vapor recovery requirements for the filling of gasoline storage vessels at motor vehicle fuel dispensing facilities (service stations). The State has indicated that none of the sources affected by the November 2, 1979 revision are major, and that emission reductions from this source category are not needed to demonstrate attainment of the National Ambient Air Quality Standards for ozone by 1982.

**EFFECTIVE DATE:** This action will be effective on August 30, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Written comments on this action may be submitted to the following address: Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, ATTN: Richard Raybourne, 1201 Elm Street, Dallas, Texas 75270.

The State's submittal is available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, S.W., Washington, D.C. 20460, and the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C., Room 8401, and at the EPA Region 6 Office address above. EPA's evaluation of the State's submittal, "EPA Review of Texas State Implementation Plan Revision for the Deletion of Five Counties from Requirements of Stage I Vapor Recovery of November 2, 1979; April, 1982, is available at the Region 6 address listed above.

**FOR FURTHER INFORMATION CONTACT:** Richard Raybourne, SIP Section, 6AW-AS, Environmental Protection Agency, Region 6 Office, (214) 767-1518.

**SUPPLEMENTARY INFORMATION:** On April 13, 1979, the Governor of Texas submitted SIP revisions pursuant to the

requirements of Part D of Title I of the Clean Air Act, as amended in 1977. These revisions included Stage I vapor recovery requirements for service stations at Subsection 131.07.54 (now 115.131) of Texas Air Control Board (TACB) Regulation V. Subsection 131.07.54 as submitted included coverage for the following eleven counties: Bexar, Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, Nueces, Tarrant, and Travis. In response to the State's April 13, 1979 submittal, EPA issued a final rule on March 25, 1980 (at 45 FR 19233) which approved the State's regulation for El Paso, Nueces, Ector, Gregg, Jefferson, Orange and Travis Counties. This March 25, 1980 rule further specified that Federal regulations similar to the State's version, promulgated by EPA at 42 FR 37380 and 37381 (on July 21, 1977), would remain in effect for Harris, Galveston, Brazoria, Bexar, Dallas, and Tarrant Counties. On September 7, 1979, the TACB amended Regulation V, Subsection 131.07.54 to delete Jefferson, Orange, El Paso, Nueces, and Travis Counties, and submitted the SIP revision to EPA in November, 1979.

The State's action to delete the five counties was based on EPA guidance provided at 44 FR 20372 on April 4, 1979. This guidance, known as the General Preamble, identified the major considerations that guided EPA's evaluation of SIP revisions submitted according to the requirements of Part D of Title I of the Clean Air Act, as amended in 1977. Regarding ozone control strategies, the General Preamble states in part that for SIPs having attainment dates before the end of 1982, and where photochemical dispersion modeling was not used to determine emission reductions needed to achieve the standards (as was the case for the Texas plan), specific reasonable available control technology (RACT) requirements must apply to all major sources covered by Control Technology Guidelines (CTGs). Further, the preamble states that attainment of the standards must be achieved as expeditiously as practicable.

For the filling of service station gasoline storage tanks, the RACT requirements are reflected in TACB Subsection 131.07.54 (Now 115.131). The State, however, has indicated to EPA that none of the sources in counties affected by the November 2, 1979 revision are major (or have the potential to emit more than 100 tons of hydrocarbons per year). In addition, the State has indicated that emission reductions from this source category are not needed to demonstrate attainment of the ozone standards by the end of 1982

in the five counties affected by the revision. EPA, therefore, is approving the State's November 2, 1979 revision on the basis of the rationale as discussed above.

The public should be advised that this action will be effective 60 days from the date of the Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 30, 1982. This action may not be challenged later in proceedings to enforce its requirements. [See 307(b)(2).]

Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the Federal Register on July 1, 1981.

This notice of rulemaking is issued under the authority of sections 110 and 172 of the Clean Air Act as amended.

**List of Subjects in 40 CFR Part 52**

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: June 24, 1982.

Anne M. Gorsuch,  
Administrator.

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

**Subpart SS—Texas**

1. Section 52.2270 is amended by adding new paragraph (c)(40) as follows:

**§ 52.2270 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*



(40) Revisions to Subchapter 115.131 (formerly 131.07.54) of Regulation V were adopted by the Texas Air Control Board on September 7, 1979 and submitted by the Governor to EPA on November 2, 1979 (i.e., removal of Jefferson, Orange, El Paso, Nueces, and Travis Counties).

[FR Doc. 82-17759 Filed 6-30-82; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 60

[NEIC-FRL 2161-2]

#### Alternate Method 1 to Reference Method 9 of Appendix A—Determination of the Opacity of Emissions From Stationary Sources Remotely by Lidar; Corrections

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Corrections to final rule.

**SUMMARY:** EPA is making corrections to Alternate Method 1, relating to determination of the opacity of emissions from stationary sources remotely by lidar, which was promulgated on Wednesday, October 28, 1981; 46 FR 53144-53162. These corrections are for typographical errors, conversion of the equations for corrected opacity calculations and standard deviation to units of percent, the clarification of a requirement for reference signals, and the insertion of a phrase into a sentence that was omitted in the manuscript version of the final regulation. These corrections are all nonsubstantive changes to this method which do not affect the stringency, the burden of compliance with, or the applicability of this method, and do not affect the cost of compliance.

**FOR FURTHER INFORMATION CONTACT:** Author W. Dybdahl, (303) 234-4658.

**SUPPLEMENTARY INFORMATION:** The corrections to FR Doc. 81-31243 appearing on page 53144 in the issue of October 28, 1981 are as follows:

(1) Page 53148, Column 3, Line 26 of section 1.3: "The range of distance" changed to "The range or distance".

(2) Page 53149, Column 1, Line 24 of section 2.1: "D(Lidar)" changed to "D(Lidar)".

(3) Page 53149, Column 2, Line 29 from top of page: "(section 2.61)" changed to "(section 2.6.1)".

(4) Page 53149, Column 2, Line 5 of section 2.3.2: "plume drift at 30°" changed to "plume drift of 30°".

(5) Page 53149, Column 2, Line 7 of section 2.3.2: "signals were obtained" changed to "signals was obtained".

(6) Page 53149, Column 2, Last

Sentence of section 2.3.2 is changed to read as follows for clarification and ease of use: "An additional set of reference signals shall also be obtained if there is an increase in value of  $S_{In}$  (near region standard deviation, Equation AM1-5) or  $S_{If}$  (far region standard deviation, Equation AM1-6) that is greater than 6% (full scale) over the respective values calculated from the immediately previous plume signal, and this increase in value remains for 30 seconds or longer."

(7) Page 53154, Column 2, Equation AM1-7 is changed such that  $S_o$  is calculated in percent:

$$S_o = \frac{(100\%)}{2} \left( \frac{I_f R_n}{R_f I_n} \right)^{\frac{1}{2}} \left[ \frac{S_{In}^2}{I_n^2} + \frac{S_{If}^2}{I_f^2} + \frac{S_{Rn}^2}{R_n^2} + \frac{S_{Rf}^2}{R_f^2} \right]^{\frac{1}{2}} \quad (\text{AM1-7})$$

(8) Page 53154, Column 2, Line 16 from top of page: "emplitude" changed to "amplitude."

(9) Page 53154, Column 3, Equation AM1-8 is changed such that  $O_{pc}$  is calculated in percent:

$$\begin{aligned} O_{pc} &= (100\%) \left[ 1 - (1 - 0.01 O_p)^{\cos(\pi/2 - \epsilon)} \right] \\ &= (100\%) \left[ 1 - (1 - 0.01 O_p)^{\sin \epsilon} \right] \quad (\text{AM1-8}) \end{aligned}$$

(10) Page 53154, Column 3, Equation AM1-9 is changed such that  $O_p$  may remain in percent:

$$\epsilon \geq \sin^{-1} \left[ \frac{\ln(101 - O_p)}{\ln(100 - O_p)} \right] \quad (\text{AM1-9})$$

(11) Page 53156, Column 2, Line 6 and Line 12 from top of page:

$R_6$  changed to  $R_\delta$



(12) Page 53156, Column 2, Line 9 and Line 11 from top of page:

$R_\alpha$  changed to  $R_\alpha$

(13) Page 53156, Column 2, Equation AM1-12 is changed to present the proper subscript in the denominator:

$$\epsilon = \cos^{-1} \left[ \frac{R_p^2 + R_\delta^2 - R_s^2}{2 R_p R_\delta} \right] \quad (\text{AM1-12})$$

(14) Page 53156, Column 2, Equation AM1-13 is changed such that  $O_p$  may remain in percent:

$$\beta_p \geq \cos^{-1} \left[ \frac{\ln(101 - O_p)}{\ln(100 - O_p)} \right] \quad (\text{AM1-13})$$

(15) Page 53156, Column 2, Equation AM1-14 is changed such that  $O_{pc}$  is calculated in percent:

$$O_{pc} = (100\%) \left[ 1 - (1 - 0.01 O_p)^{\cos \beta_p} \right], \quad (\text{AM1-14})$$

(16) Page 53162, Column 1, Line 4 of section 4.2 is changed by inserting a phrase as follows: " \* \* \* tests described in section 3, prior to first use of this method. The annual \* \* \*".

**Robert M. Perry,**

*Associate Administrator, Legal and Enforcement Counsel.*

[FR Doc. 82-18006 Filed 6-30-82; 8:45 am]

**BILLING CODE 6560-50-M**

**40 CFR Part 81****[A-9-FRL 2152-4]****Designation of Areas for Air Quality****Planning Purposes: Attainment Status Designation: Guam****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rulemaking.

**SUMMARY:** This notice revises the sulfur oxides (SO<sub>x</sub>) attainment status designation for certain portions of Guam. The SO<sub>x</sub> designation is revised from nonattainment to attainment for all of Guam except the Piti and Tanguisson Power Plant areas. The designation for the Piti and Tanguisson areas remain nonattainment for SO<sub>x</sub>. This action is in response to a request for redesignation of SO<sub>x</sub> by the Guam Environmental Protection Agency under paragraph 107(d)(5) of the Clean Air Act.

**DATE:** This action is effective August 2, 1982.

**FOR FURTHER INFORMATION CONTACT:** Douglas Grano, Air Programs Branch (A-2-3), Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-8058.

**SUPPLEMENTARY INFORMATION:** On March 3, 1978, under Paragraph 107(d)(2) of the Clean Air Act (CAA), as amended, EPA promulgated attainment status designations for all states (43 FR 8962). The entire island of Guam was designated nonattainment for SO<sub>x</sub> due to measured ambient air quality violations.

Under paragraph 107(d)(5) of the CAA, a state may revise its designations of attainment status and submit them to EPA for consideration and promulgation. On April 9, 1981, the Guam Environmental Protection Agency (GEPA) requested that Guam's designation for SO<sub>x</sub> be changed as follows: (1) the Tanguisson Power Plant area be redesignated to unclassifiable, (2) the Piti Power Plant area remain nonattainment and (3) the remainder of the island be redesignated to attainment.

EPA published a notice of proposed rulemaking on April 20, 1982 (47 FR 16805) which proposed to approve the designations requested by Guam, except with respect to the Tanguisson area. EPA proposed not to redesignate the Tanguisson area because both

monitoring and modeling data have shown violations of the SO<sub>x</sub> standards due to the power plant's emissions.

The proposal notice provided a 30-day public comment period. No comments were received during this time. Today's notice takes final action to redesignate all of the island of Guam to attainment for SO<sub>x</sub> except for the Piti and Tanguisson areas, which remain nonattainment for SO<sub>x</sub>.

The boundaries for the two nonattainment areas are:

In the Piti Power Plant area: a line encompassing the area within a 3½ kilometer radius of the stack serving Unit 3 of the Piti Power Plant.

In the Tanguisson Power Plant area: a line encompassing the area within a 3½ kilometer radius of the point halfway between the two stacks serving the Tanguisson Power Plant.

Since the area outside the two boundaries described above is redesignated to attainment, the Part D requirements of the the Clean Air Act no longer apply for SO<sub>x</sub> in those areas. The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under the Clean Air Act, petitions for

judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 30, 1982. This action may not be challenged later in proceedings to enforce its requirements.

**List of Subjects in 40 CFR Part 81**

Air pollution control, National parks, Wilderness areas.

(Secs. 107(d) and 301(a) Clean Air Act, as amended (42 U.S.C. 7407(d) and 7601(a)))

Dated: June 23, 1982.

Anne M. Gorsuch,  
Administrator.

**PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**Subpart C—Section 107 Attainment Status Designation**

1. Section 81.353—Guam; the attainment status for SO<sub>2</sub> is revised to read as follows:

§ 81.353 Guam.

\* \* \* \* \*

**GUAM—SO<sub>2</sub>**

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
That portion of Guam within a 3½ km radius of the Piti Power Plant.	X			
That portion of Guam within a 3½ km radius of the Tanguisson Power Plant.	X			
Remainder of State (Guam)				X

\* EPA designation replaces State designation.

[FR Doc. 82-17847 Filed 6-30-82; 8:45 am]

**BILLING CODE 6560-50-M**

**40 CFR Part 180****[PP 9E2140/R442; PH-FRL-2148-8]****Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 2-Chloro-N-isopropylacetanilide****Correction**

In FR Doc. 82-16201 appearing on page 25958 in the issue of Wednesday, June 16, 1982, make the following correction:

On page 25959, middle column, in the table for § 180.211

"Poultry, mbyp..... 0.002(N)"

should have read

"Poultry, mbyp..... 0.02(N)".

**BILLING CODE 1505-01-M**

**40 CFR Parts 264 and 265****[SWH FRL-1 215-8]****Information Collection Requirements; Effective Date**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; notice of effective date for information collection requirements.

**SUMMARY:** This document announces Office of Management and Budget clearance and effectiveness of reporting and recordkeeping requirements contained in EPA rules on liability requirements for owners and operators of hazardous waste treatment, storage, and disposal facilities.

**DATES:** Effective date for 40 CFR 264.147 (a)(1)(i), (b)(1)(i), (c), (d) and (f)(3)-(6); 264.151 (g), (i) and (j); and 40 CFR 265.147 (a)(1)(i), (b)(1)(i), (b)(5), (c), (d) and (f)(3)-(6): July 15, 1982.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Zeller, (202) 382-4751.

**SUPPLEMENTARY INFORMATION:** This rule provides notice to the public that the effective date for the information collection requirements for financial responsibility for liability coverage under 40 CFR 264 and 265 (47 FR 16554-16561, April 16, 1982) is July 15, 1982. The rule amends the requirements by adding the OMB clearance number to the applicable paragraphs.

Dated: June 24, 1982.

Anne M. Gorsuch,  
Administrator.

#### **PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

#### **PART 265—INTERIOR STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

§§ 264.147, 264.151, and 265.147  
[Amended]

40 CFR Parts 264 and 265 are amended as follows: 40 CFR 264.147(a)(1)(i), (b)(1)(i), (c), (d) and (f)(3)-(6); 264.151(g), (i) and (j); and 40 CFR 265.147(a)(1)(i), (b)(1)(i), (b)(5), (c), (d) and (f)(3)-(6) are amended by adding the OMB Control Number 2000-0445 parenthetically after each paragraph.

[FR Doc. 82-17921 Filed 6-30-82; 8:45 am]

**BILLING CODE 6560-50-M**

### **GENERAL SERVICES ADMINISTRATION**

#### **41 CFR Parts 5-2, 5A-2, 5B-2, 5B-4**

#### **Public Contracts and Property Management; Procurement by Formal Advertising**

**AGENCY:** General Services Administration.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration Procurement Regulations, Chapter 5, are amended to transfer policies and procedures regarding Procurement by Formal Advertising from Chapters 5A and 5B. This transfer is part of the action to incorporate appropriate material in Chapters 5A and 5B into Chapter 5. Section 5-2.406 is revised to prescribe procedures for handling of mistakes in bids. Central authorities are designated for administrative determinations and approvals in this area. The intended effect is to have a single GSA-wide procurement regulation.

**EFFECTIVE DATE:** July 21, 1982.

**FOR FURTHER INFORMATION CONTACT:** Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202) 523-4755.

#### **List of Subjects in 41 CFR Part 5-2**

Government procurement,  
Procurement by formal advertising.  
Labor area classifications.

#### **CHAPTER 5—GENERAL SERVICES ADMINISTRATION PROCUREMENT REGULATIONS**

[APD 2800.2 CHGE 23]

1. Part 5-2 is added as follows:

#### **PART 5-2 PROCUREMENT BY FORMAL ADVERTISING**

##### **Subpart 5-2.2—Solicitation of Bids**

Sec.

- 5-2.201 Preparation of invitations for bids.
- 5-2.201-50 Additional items.
- 5-2.201-51 Grouping of items for aggregate award. (Generally applicable to FSS contracts for supplies.)
- 5-2.201-52 Weighting of items for aggregate awards (Indefinite quantity contracts).
- 5-2.201-53 Telegraphic solicitations.
- 5-2.201-54 Building services.
- 5-2.201-55 Special minimum bid acceptance time requirements.
- 5-2.201-56 Discount provision.
- 5-2.201-57 Price list method of award (Indefinite quantity contracts).
- 5-2.201-58 Inspection at source.
- 5-2.201-59 Request for brand name information—limitation.

- 5-2.201-60 Fire or casualty hazards, or safety or health requirements.
- 5-2.201-61 Distribution of bidding documents.
- 5-2.202 Miscellaneous rules for solicitation of bids.
- 5-2.202-1 Bidding time.
- 5-2.202-4 Bid samples (Supply contracts).
- 5-2.202-5 Unsolicited samples, descriptive literature, or brand name references (Supply contracts).
- 5-2.202-50 Postponement of bid openings.
- 5-2.202-51 Listing of subcontractors (Construction, repair, and alteration).
- 5-2.202-52 Substitution of subcontractors named in bids for construction contracts.
- 5-2.202-53 Unit prices (Construction contracts).
- 5-2.202-54 Bidders' qualifications for special work (Construction).
- 5-2.202-55 Use of equipment by the Government (Construction).
- 5-2.202-56 Charges and deposits for bidding documents.
- 5-2.202-57 Construction program management.
- 5-2.202-58 Full maintenance of elevators.
- 5-2.203 Methods of soliciting bids.
- 5-2.203-1 Mailing or delivering to prospective bidders.
- 5-2.203-2 Displaying in public places.
- 5-2.203-3 Publicity in newspapers and trade journals. (Applicable to repair and alteration, and construction contracts).
- 5-2.204 Records of invitations for bids and records of bids.
- 5-2.205 Bidders mailing lists.
- 5-2.205-1 Establishment of lists.
- 5-2.205-2 Removal of names from bidders mailing lists (BML).
- 5-2.205-4 Excessively long bidders mailing lists.
- 5-2.207 Amendment of invitations for bids.

##### **Subpart 5-2.3—Submission of Bids**

- 5-2.301 Responsiveness of bids (All PBS solicitations).
- 5-2.302 Time of bid submission.
- 5-2.303 Late bids.
- 5-2.303-1 General.
- 5-2.303-5 Hand-carried bids.
- 5-2.303-7 Disposition of late bids.
- 5-2.304 Modification or withdrawal of bids.
- 5-2.370 Copies of bids required in submission.

##### **Subpart 5-2.4—Opening of bids and Award of Contract**

- 5-2.401 Receipt of safeguarding of bids.
- 5-2.401-50 Receipt and safeguarding of bid samples.
- 5-2.402 Opening of bids.
- 5-2.403 Recording of bids.
- 5-2.404 Rejection of bids.
- 5-2.404-2 Rejection of individual bids (Supplies and services).
- 5-2.404-5 All or none qualifications.
- 5-2.404-50 Multiple bidding.
- 5-2.404-51 Rejection under subcontractor listing requirements (Construction).
- 5-2.406 Mistakes in bids.

## Sec.

- 5-2.406-3 Other mistakes disclosed before award.
- 5-2.406-4 Disclosure of mistakes after award.
- 5-2.406-50 Submissions to the Comptroller General.
- 5-2.407 Award.
- 5-2.407-1 General.
- 5-2.407-2 Responsible bidder—Reasonableness of price.
- 5-2.407-3 Discounts.
- 5-2.407-5 Other factors to be considered.
- 5-2.407-6 Equal low bids.
- 5-2.407-7 Statement and certificate of award.
- 5-2.407-8 Protests against award.
- 5-2.407-50 Evaluation of f.o.b. prices.
- 5-2.407-51 Disposition of contract documents.
- 5-2.407-52 Awards involving related cases referred to higher authority.
- 5-2.407-53 Extension of time for bid acceptance.
- 5-2.407-56 Forms for recommending award(s) (Supplies and services).
- 5-2.407-57 Preparation of documents for acceptance.
- 5-2.407-58 Notification of contract award.
- 5-2.407-59 Notification of proposed substantial awards and awards involving Congressional interest.
- 5-2.407-60 Erroneous award to higher bidder.
- 5-2.408 Information to bidders.
- 5-2.408-50 Restriction on disclosure of inspection or test data.
- 5-2.450 Advance notices of contract award (Construction).
- 5-2.450-1 Circumstances which warrant advance notice.
- 5-2.450-2 Telegraphic notices.
- 5-2.450-3 Oral notices.
- 5-2.450-4 Content of notices.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### Subpart 5-2.2—Solicitation of Bids

#### § 5-2.201 Preparation of Invitations for bids.

##### § 5-2.201-50 Additional Items.

In addition to the requirements of § 1-2.201, the solicitation shall include, as applicable, provisions requiring the bidder to:

(a) Furnish the names of individual(s) to contact for contract administration matters, points of production, inspection, shipping points, notice of shipment, shipping weights, etc.

(b) Furnish after award, information as applicable, catalogs, reports of orders received, shipping reports, etc.

##### § 5-2.201-51 Grouping of items for aggregate award. (Generally applicable to FSS contracts for supplies.)

(a) To the maximum extent feasible, contract awards shall be made on an individual item basis. However, aggregate awards of grouped items may at times best serve the Government's interest. This may occur when furniture

or fixtures are required for a single project, when uniformity of design is desirable, when the articles required will be assembled and used as a unit, or when factors such as carload shipments, production runs, and quantity discounts, are involved.

(b) Items should not be grouped for aggregate award if it will unduly restrict competition or place a significant portion or class (e.g., small business concerns) of prospective bidders at a competitive disadvantage.

(1) Only items of a related character, normally handled by the majority of interested bidders, should be included in a single group. The grouping of nonrelated items tends to limit competition, provides inequitable treatment to bidders who cannot bid on all items, and may increase Government costs.

(2) Avoid grouping (for aggregate award) requirements for two or more widely dispersed geographic locations. It may restrict competition and may result in higher bid prices. (Some prospective bidders may not be able to offer competitive prices on requirements for some of the locations within the group.) Item grouping may be justified when (i) one location has a large requirement and another location has a requirement too small to individually attract competitive bids, or (ii) it is industry practice to serve outlying locations on a route basis and complete coverage of all locations can only be obtained economically by grouping them for aggregate award. Determinations to group requirements for widely dispersed geographic locations shall not be made below the GS-14 contracting officer level. The procurement case file shall be documented to show the reason for such determinations.

(c) When considering aggregate awards, the solicitation shall clearly state the basis on which awards will be made and require bidders to insert unit prices for each item.

##### § 5-2.201-52 Weighting of items for aggregate awards (Indefinite quantity contracts).

(a) When it is determined that a provision should be made for aggregate awards in a solicitation for a requirements contract and that the weighted item method of making such awards will be used, state the basis on which the low bidder will be determined.

(b) Include a provision that sets forth a formula for weighting items and states how the formula will be used in determining award. For award purposes, the formula shall indicate the relative weight to be applied to each item in a

group. (For definite quantity contracts, use only the quantity of individual items as the basis for evaluating bids on items grouped for aggregate award.)

(c)(1) Items in an aggregate group are assigned weights to establish a basis for selecting the bid which is likely to result in the lowest overall cost to the Government. Since the actual cost to the Government will depend upon the quantities of each item purchased, the weight assigned to each item must be based on the best available information, i.e. previous purchases, sound estimates of requirements, or commercial ratios. Care should be taken to ensure that the formula is sound, based on practical considerations, and will not unfairly restrict competition.

(2) Weights shall not be based on the estimated dollar value of purchases. Weights based on dollar values are more likely to distort bid evaluation and result in the making of awards which will not be at the lowest overall cost to the Government. This distortion will increase as the variation among the prices of the items composing the aggregate becomes greater. In some instances, however, the dollar values of previous purchases (e.g., total dollar value of orders under recent contract) are the only data available. In such cases, satisfactory estimates of the required quantities may be obtained by dividing the total dollar value of purchases of an item by the unit price paid to determine the quantity purchased, and then adjusting that quantity to reflect any expected increase or decrease.

(d) Using the full estimated quantities on weights provides the most accurate results. However, the estimated quantity figures may be reduced to smaller numbers to simplify the computations when evaluating bids. Be sure that the reduced figures are substantially in the same proportion as the estimated quantities so that the results will not be distorted. For example, using the reduced figures in column B, below, as weights in lieu of the quantities in column A, will not materially distort the results and will simplify the evaluation process.

Col. A	Col. B
756,000.....	76
272,000.....	27
176,000.....	18

(e) Weights shall not be adjusted to total a set figure (e.g., 100). Such totals are inconsequential and may create errors which could distort the relative proportions.

**§ 5-2.201-53 Telegraphic solicitations.**

(a) Bids may be solicited by telegram when the contracting officer determines that there is an urgent need. However, all other applicable requirements of formal advertising must be fulfilled.

(b) Before soliciting by telegram, consider the following:

(1) The factors justifying deviation from the range of bidding times prescribed in § 5-2.202-1.

(2) Use of time of delivery clauses designed to ensure delivery or performance to meet the Government's requirements; and

(3) Authorizing submission of telegraphic bids using prescribed forms.

(c) The use of telegraphic solicitations does not relieve the contracting officer from the responsibility for ensuring full and free competition. Accordingly, the contracting officer shall solicit a sufficient number of prospective bidders to ensure adequate response.

(d) Include written justification in the procurement file for using telegraphic solicitation.

**§ 5-2.201-54 Building services.**

(a) GSA Form 1467, Solicitation, Offer and Award (Contract for Building Services), GSA Form 1467-A, Solicitation, Instructions and Conditions (Contract for Building Services), and GSA Form 1468, General Provisions (Contract for Building Services), shall be used without limitation as to dollar amount.

(b) GSA Form 527, Contractor's Qualifications and Financial Information, shall be obtained for all contracts of \$50,000 or more. The use of GSA Form 527 is optional for contracts under \$50,000.

(c) Article 13, Insurance, GSA Form 1468, General Provisions (Contract for Building Services), may require modification when the limits of liability are inadequate to afford proper protection.

**§ 5-2.201-55 Special minimum bid acceptance time requirements.**

(a) The standard bid acceptance time provision on the face of Standard Form 33 provides that the Government will have a period of 60 days from the bid opening date to accept a bid unless the bidder specifies a different period.

(b) A special minimum bid acceptance time requirement as authorized in § 1-2.201(a)(15) shall only be used when advance approval has been obtained from the appropriate division director. Approval may be given only in cases when, based on experience with previous procurements of the same or similar items, it is relatively certain that either (1) more than 60 days bid

acceptance time will be needed, or (2) a bid acceptance time of less than 60 days (e.g., 30 or 45 days) will be adequate, and it is anticipated that one or more bidders will specify less than the stated acceptance period.

**§ 5-2.201-56 Discount provisions.**

(a) The following provision shall be included in all invitations for bids which provide for trade-in of the old articles:

**Discount**

Any discount offered will be computed on the price quoted for the new article, without regard to any allowance for trade-in of the old article.

(End of Provision)

(b) When the invitation for bids provides for payment by means of a letter of credit, the following provision shall be entered in the invitation. In addition, when this provision is used, insert the following in the prompt payment discount block (or as a footnote thereto) on the face of Standard Form 33: "see page — for discounts involving letters of credit."

**Discounts Under Letters of Credit**

Bidder shall indicate, in the space provided below, any allowance or trade discount offered when payment is to be made under a letter of credit, as described in this invitation. Such discount will be considered in the evaluation of bids. However, any discount offered for payment within a specified period of time will not be considered in evaluation of bids when payment is to be made under a letter of credit. Discount offered: —.

(End of Provision)

(c) The following clause shall be included in all solicitations for offers and resultant contracts.

**Prompt Payments Discount**

For the purpose of bid evaluation, any prompt payment discount which is eligible (i.e. for a period of 20 days or more) for consideration in the evaluation of offers pursuant to Article 9(a) of SF 33-A will be applied directly to the price offered. Where a single percentage either as a deduction from or as an addition to the prices is offered under the price list method of making awards, such percentage will be applied first to determine the evaluated price offered, then that price will be reduced by any eligible prompt payment discount offered. For the purpose of payment, when the prompt payment discount is earned, the full discount will be deducted, otherwise any prompt payment discount in excess of 5% will be considered by the Government only as a prompt payment discount of 5%, and any percentage in excess of 5% will be considered as a special discount, which the bidder or offeror agrees that the Government will be entitled to regardless of when payment is made.

(End of Clause)

**§ 5-2.201-57 Price list method of award (Indefinite quantity contracts).**

(a) *General.* Under this method, the invitation for bids lists a price for each item in a group to be awarded in the aggregate and provides for bidders to quote for each aggregate group a single percentage amount either as a deduction from or as an addition to the prices listed for the item in the group. Award is made to the responsible bidder who offers the lowest price on that basis.

(b) *Criteria for use.* If, in connection with the making of indefinite quantity contracts (including Federal Supply Schedule contracts), it has been determined in accordance with § 5-2.201-51 that provision should be made for aggregate awards, the price list method may be used in making such awards, if feasible and more advantageous to the Government than using the weighted item method, administrative costs and other factors considered.

(c) *Preparation of solicitations.* Solicitations that provide for use of the price list method shall be prepared as follows:

(1) The grouping of items for aggregate award shall be in accordance with § 5-2.201-51.

(2) There shall be a preestablished list price in the invitation for each item in each group to be awarded in the aggregate. Such prices shall be developed according to (d) of this section.

(3) Estimated requirements for each item in a group or for the group as a whole should be shown in the solicitation if reliable estimates are available. For term contracts for stores stock items, estimated quantities should be shown only if reliable estimates of demand for each item within an aggregate group can be derived from Government records (or verified contracted sales reports). All such estimates must be reviewed and updated prior to their use in any solicitation.

(4) Arrange the bidding schedule in each solicitation so that it is clear to bidders that only one percentage amount may be quoted for each aggregate group and that it may be quoted either as a deduction from or as an addition to the listed prices (see illustration of bidding schedule arrangement in paragraph (5), of this section). In addition, a clause, substantially as follows, shall be included in the solicitation:

**Method of Award**

Award will be made in the aggregate by group to the responsible bidder who offers the lowest price in the form of a single percentage (applicable to all items in the group) as a deduction from or addition to each of the list prices set forth for that group. (End of Clause)

(Note. If the solicitation also includes items to be awarded on an item-by-item basis, it shall provide that the above clause is applicable only to the items grouped for aggregate award.)

(5) The following is an illustration of a bidding schedule arrangement for a group of items for aggregate award under the price list method:

Drills, Twist, High Speed, in accordance with Federal Specification \_\_\_\_\_ (dated \_\_\_\_\_) and Amendment \_\_\_\_\_ (dated \_\_\_\_\_), Wire gauge sizes, straight shank, short length, Type C:

**GROUP 1**

[Items 1 through 5]

Item and national stock No.	Drill size	Estimated quantity	List price (pkg.)
1 5133-00-189-9246.....	1	2,800	\$11.16
2 5133-00-189-9247.....	2	2,400	11.16
3 5133-00-189-9248.....	3	2,800	10.44
4 5133-00-189-9249.....	4	1,600	10.80
5 5133-00-189-9250.....	5	2,000	10.80

Bid on each of above items is list price shown minus/plus \_\_\_\_\_ percent. (Bidder to insert single percentage amount in blank space, and cross out plus or minus, as appropriate.)

(d) *Development of preestablished list prices.* (1) The preestablished list prices used in solicitations must be generally satisfactory to the industry involved. However, adverse reaction from some prospective bidders does not preclude use of this method. Prior to using proposed list prices for the first time, firms expected to submit bids should be given an opportunity to review the proposed list prices. In addition to the proposed list prices, firms should be furnished with information on how the list prices will be used under the price list method. Copies of the draft solicitation may be furnished for this purpose.

(2) If there is a standard industry-wide commercial price list, the prices in that list should be used as the list prices in the solicitation. Each group of items should include only items in that segment of the commercial price list on which it is industry practice to quote the same discount. For example, in the case of window glass it is trade practice to quote different discounts on A and on B quality glass.

(3) If a standard industry-wide commercial price list is not available for

the items involved, there may be segments of the industry or certain companies which have established price lists which may be used on a composite basis for developing preestablished list prices. If there are no industry price lists, preestablished list prices may be developed based on knowledge of the trade and previous contract prices. When using either of these two methods in developing preestablished list prices, the contracting officer must ensure that items are properly grouped and that the list prices shown for the items within each group bear a reasonable and balanced relationship to one another. Prior contract prices resulting from aggregate awards made under the weighted item method should not be used as a basis for developing preestablished list prices until such contract prices are carefully checked to ensure they did not result from unbalanced bidding.

**§ 5-2.201-58 Inspection at source.**

(a) Include the following provision in solicitations when it is determined that inspection is to be performed at source. This provision is included in and becomes applicable when the solicitation so provides.

(b) If source inspection is specified in the solicitation, space must be provided for entering the information called for by paragraph (b) of the provision.

(c) The second sentence of paragraph (b) of the provision, concerning inspection of supplies of foreign origin, may be waived:

(1) When inspection services are available from another Federal agency on the basis of its primary inspection cognizance in a geographic area; (2) When an inspection interchange agreement exists with another agency concerning inspection at a contractor's plant; (3) When procurements to be made for AID specify the area of source; or (4) When other considerations will assure more economical and effective inspection consistent with the best interests of the Government.

When this portion of the provision is to be waived, a statement to that effect shall be made in the schedule. Any such decision should be fully coordinated with the appropriate quality control representative.

**Source Inspection**

(a) Supplies to be furnished under this contract ordinarily will be inspected at source by the Government prior to shipment from the manufacturing plant or other facility designated by the Contractor, unless (1) the Contractor is notified otherwise in writing by the Contracting Officer or his designated representative, or (2) the Contractor or his subcontractor, pursuant to a Quality

Approved Manufacturer Agreement with the General Services Administration, is authorized to issue a certificate covering such supplies at the time of shipment. Notwithstanding the foregoing, the Government may perform any or all tests contained in the contract specifications at a Government facility without prior written notice by the Contracting Officer before release of the supplies for shipment.

(b) Offerors will be required to specify the name and address (including county) of each manufacturing plant or other facility where supplies will be available for inspection, indicating the item number(s) to which each applies. A contract will be awarded only to the responsible offeror (1) who agrees to deliver the item(s) specified by the contract from a plant or warehouse within the United States (including Puerto Rico and the Virgin Islands) that is equipped to perform all inspections and tests required by the contract and specifications, to evidence conformance therewith, or (2) who will arrange with a testing laboratory or other facility in the United States, acceptable to the Government, to perform the required inspections and tests.

(c) Inspection responsibility will be assigned to the Office of Engineering and Technical Management of the GSA regional office having jurisdiction over the State in which the Contractor's or subcontractor's plant or other designated point for source inspection is located. The Contractor shall notify, or arrange for his subcontractor to notify, that office at least 10 days prior to the date when supplies will be ready for inspection. Shipments shall not be made until released by the Office of Engineering and Technical Management unless release is otherwise authorized under terms of a currently applicable Quality Approved Manufacturer Agreement.

(End of Provision)

**§ 5-2.201-59 Request for brand name information—limitation.**

(a) When an item is described in a solicitation by a formal specification or a detailed purchase description (other than a brand name or equal purchase description), the solicitation shall not require or request that bidders specify the brand names of the products they propose to furnish. However, brand name information may be requested or required in the situations covered in (1) through (3) of this paragraph.

(1) Items for which descriptive literature is requested in accordance with § 1-2.202-5.

(2) Items for which preproduction samples or tests are required in accordance with § 1-2.201(b)(12).

(3) Procurements of qualified products.

(b) This limitation also applies to procurements using "restricted advertising" techniques as described in § 1-1.706 (Procurements set aside for small business) and § 1-6.806

(Restricted solicitation—Balance of Payments Program).

**§ 5-2.201-60 Fire or casualty hazards, or safety or health requirements.**

(a) Specifications covering electrical equipment, building materials, etc., which involve fire or casualty hazards, or safety or health requirements, normally contain a provision requiring conformance to the standards of nationally recognized technical societies, associations, or laboratories, or other GSA-approved testing laboratories, regarding fire and casualty hazards, explosion protection, or safety or health requirements.

(b) When a specification is not available, or the specification to be used does not include a provision such as that described in paragraph (a) of this § 5-2.201-60 and it is believed that such a provision should be included in the current procurement, the Office of Engineering and Technical Management (FRE) shall be consulted for technical advice. If the contracting officer then determines that the matter should be covered, an appropriate provision shall be included in the solicitation. The provision shall cite the nationally recognized standards requiring compliance. If several such standards are available, the provision shall cite all standards that are acceptable. Since compliance with such standards is normally objectively determinable under regular acceptance inspection and test procedures, no requirement for bidders to submit proof of compliance with the standard shall be included in the provision.

**§ 5-2.201-61 Distribution of bidding documents.**

(a) Principal construction subcontractors may obtain copies of bid documents by (1) requesting in writing and (2) paying the required bid document charges or deposits, as provided in § 5-2.202-56. (See GSA Overprint of Standard Form 20, Invitation for Bids (Construction Contract) and GSA Form 2056, Pre-Invitation Notice (Construction Contract)).

(b) When copies are not available, subcontractors shall be informed where bid documents may be reviewed.

**§ 5-2.202 Miscellaneous rules for solicitation of bids.**

**§ 5-2.202-1 Bidding time.**

(a) *Supplies and Services.* (1) Standard bidding times of 30 days for standard commercial articles or services and 40 days for other than standard commercial articles or services shall generally be used by contracting

officers. However, deviations may be called for under certain conditions as illustrated by the following examples:

(i) Less than standard—

(A) A non-complex solicitation for a small number of standard commercial articles or services that will be circulated only within the immediate trading area of the contracting office.

(B) A solicitation covering a requirement for standard commercial articles that requires expedited procurement to meet ship sailing dates, or when delivery time is important buy negotiation under "public exigency" authority is not justified.

(C) Less than standard bidding time shall not be used when the Trade Agreements Act of 1979 applies. In these cases, solicitations shall specify at least a 30-day bidding time.

(ii) More than standard—

(A) A non-complex solicitation for a small number of standard commercial articles or services to be covered under a Federal Supply Schedule contract or term contract.

(B) A solicitation for technical equipment wherein standard commercial items must be modified to meet Government specifications and bidders must prepare samples, drawings, illustrations, etc., which will undergo detailed engineering evaluations.

(2) Deviations from standard bidding times are authorized but require the approvals as set forth in (i) and (ii), of this paragraph:

(i) Less than standard bidding time. Less than the standard bidding time must be approved by the appropriate Branch Chief in the Procurement Division, Central Office, or by the Chief of a regional Procurement Division. Except for non-complex solicitations of the type described in § 5-2.202-1(a)(1)(i) above, no approval shall be given for a bidding time of less than 7 days for standard commercial articles or less than 20 days for other than commercial articles, unless approved by an official at the next higher level of authority.

(ii) More than a standard bidding time. More than a standard bidding time must be approved by the Chief of the appropriate branch in the Procurement Division, Central Office, or by the Director of a regional Procurement Division.

(b) *Construction.* (1) Except as provided in (2) of this paragraph, the following bidding time shall be used.

(i) Not less than 20 days shall be allowed for bid preparation on contracts for repairs and alterations estimated to cost less than \$50,000.

(ii) Not less than 30 days shall be allowed for bid preparation on (A) all

contracts for new construction and (B) contracts for repair and alterations estimated to cost more than \$50,000.

(2) The Regional Director, Contracts Division (National Capital Region—Director, Real Property Contracts Division) may approve a shorter bid preparation time when circumstances justify.

(3) Care must be taken to avoid an unnecessarily long bidding time.

**§ 5-2.202-4 Bid samples (Supply contracts).**

(a) Solicitations shall list and clearly set forth those characteristics for which bid samples will be examined. Normally only subjective characteristics will be listed. Objective characteristics may be listed when it has been determined, on the basis of past procurement experience or other valid considerations, that examination of such characteristics is essential in the procurement of an acceptable product. When characteristics are listed in the solicitation, the listed characteristics shall be separately shown under the headings of Subjective Characteristics, and Objective Characteristics. Products furnished under any resultant contract shall strictly comply with the listed subjective characteristics of the approved bid sample and shall conform to the specifications as to all other characteristics whether or not listed.

(b) Samples received with bids being considered for award must be from the production of the manufacturer whose product is to be supplied and shall be evaluated with respect to the characteristics listed in the solicitation by the buying activity and the appropriate quality control activity. A written record of the evaluation findings shall be made. If the samples do not meet the listed characteristics, the bid shall be rejected.

(c) When requiring bid samples, the following provision shall be included in the solicitation. This provision may be modified to cover special circumstances, such as those described in § 1-2.202-4.

**Bid Samples**

(a) Bid samples, in the quantities, sizes, etc., required for the items so indicated in this solicitation, must be (1) furnished as a part of the bid, (2) from the production of the manufacturer whose product is to be supplied, and (3) received before the time set for opening bids. Samples will be evaluated to determine compliance with all characteristics listed for examination in the solicitation.

(b) Failure of samples to conform to all such characteristics will require rejection of the bid. Failure to furnish samples by the time specified in the solicitation will require rejection of the bid, except that a late sample



transmitted by mail will be considered under the provisions for considering late bids, as set forth elsewhere in this solicitation.

(c) Products delivered under any resulting contract shall strictly comply with the approved sample as to the subjective characteristics listed for examination and shall conform to the specifications as to all other characteristics.

(End of Provision)

(d) Bid samples will not normally be inspected until the bidder is being considered for award on the item(s) represented by the sample. Samples shall be evaluated for the characteristics listed in the solicitation. A written record of the evaluation findings shall be made. Bid samples received by the National Tools Center shall be evaluated in the Central Office by a team consisting of representatives from the procurement, quality control, and specification management activities. When laboratory support is required, the QAS will arrange for the testing and the samples shall be hand-carried or sent by another method.

(e) If the samples meet the listed characteristics but there is doubt that the sample meets all of the characteristics required by the specifications, arrangements shall be made for technical evaluation and/or testing by the appropriate quality assurance activity. A report of the evaluation of the sample, showing results with respect to all characteristics examined, shall be furnished promptly to the contracting officer.

(f) If the bid sample is found to conform to the characteristics listed in the solicitation, determination of the prospective contractor's responsibility shall be made in accordance with normal procedures.

(g) If the bid sample has been found to conform to all of the characteristics listed in the solicitation, but found deficient with respect to one or more of the unlisted characteristics, a plant facilities report shall be requested as provided in § 5-1.1205-4. A copy of the sample evaluation report shall be attached to the GSA Form 353 which shall include a request that special attention be given to the prospective contractor's ability (notwithstanding the deficiencies noted with respect to the characteristics not listed in the solicitation which were evaluated) to produce supplies fully conforming to applicable specifications. For example, can the noted deficiencies be corrected by fairly simple production or process control adjustments, or would expensive and time-consuming retooling be involved? The plant facilities report shall include a specific statement regarding the prospective contractor's

ability or inability to correct each noted deficiency in objective characteristics as well as an overall appraisal of his capability.

(h) If the plant facilities report is not favorable, a determination of nonresponsibility shall be made based upon the facts and evaluation contained in the report together with any other evidence that may be obtained in a given case bearing on the bidder's inability to meet the standards of responsibility in Subpart 1-1.12.

(i) If the plant facilities report is favorable, award may be made if otherwise proper to the low bidder whose samples conform to the characteristics listed in the solicitation. However, concurrently with award the contracting officer shall specifically, in writing, call to the attention of the contractor the inadequacies of the sample with respect to unlisted characteristics and advise him of his responsibilities to furnish items conforming to all of the requirements of the specification. A copy of the letter shall be furnished to the appropriate Office of Engineering and Technical Management for use when making subsequent inspections.

(j) For further instructions regarding the treatment and evaluation of samples, see § 5-2.401-50.

(k) If bid samples were required on a prior solicitation, written approval of the Office of Engineering and Technical Management (FRE), or the appropriate commodity center specification activity is required prior to waiving the bid sample requirement.

**§ 5-2.202-5 Unsolicited samples, descriptive literature, or brand name references (Supply contracts).**

(a) The following clause shall be inserted in each solicitation (applicable to formally advertised procurements).

**Unsolicited Samples, Descriptive Literature, or Brand Name References**

When procurement is effected under specifications or purchase descriptions (other than "brand name or equal") and the Government does not specifically request bid samples, descriptive literature, or references to brand names, models, or part numbers as an integral part of the bid, bids which are accompanied by any of the foregoing will be rejected unless it is clear from the bid or accompanying papers that the samples, descriptive literature, or references to brand names, models, or part numbers are not intended to qualify the bid and that the bidder proposes to furnish items fully in accordance with specifications or purchase descriptions. When offers contain unsolicited material such as samples, descriptive literature, or references to brand names, models, or part numbers, the Government will not be responsible in any way for

determining whether the items which are offered meet the Government's requirements set forth in the applicable specifications or purchase descriptions.

(End of Clause)

(b) The following notice shall be included on GSA Form 1602, Notice Concerning Your Solicitation for Offers, except when "brand name or equal" items are being procured.

**Unsolicited Material**

Bidders are cautioned that the submission of unsolicited bid samples or descriptive literature, or references in the bid to brand names, models, or part numbers may cause rejection of the offer. The bidder's attention is directed to the clause entitled "Unsolicited Samples, Descriptive Literature, or Brand Name References."

(End of Notice)

**§ 5-2.202-50 Postponement of bid openings.**

(a) The contracting officer may postpone bid openings when it is determined to be in the best interest of the Government. An amendment (see § 1-2.207) to the solicitation must be issued and distributed to all prospective bidders by mail or telegraph as early as possible and prior to the time specified for bid opening. When emergencies or unanticipated events make it impracticable to use normal postponement procedures, bid openings may be postponed without prior notice to prospective bidders. The new time and date set shall be as soon as possible. Prospective bidders shall be notified of the new time and date if circumstances permit.

(b) Bid openings shall be postponed when an important segment of prospective bidders requests additional time for filing bids or the contracting officer has reason to believe that the specified opening date is not appropriate or is not conducive to the maximum practicable competition.

(c) If the contracting officer determines it is in the best interests of the Government, bid openings may be postponed when an emergency interrupts the normal governmental processes in a way that would make the conduct of scheduled bid openings impracticable. Bid openings may also be postponed when the contracting officer has reason to believe that an important segment of bids has been delayed in the mails by events beyond the bidders' control and without fault or negligence of the bidders, such as flood, fire, accident, severe weather conditions, strikes, etc.

(d) Under the circumstances described in paragraph (a) of this § 5-2.202-50, bids and modifications received before



the new time and date set for the opening of bids shall be considered for award. Bids and modifications received thereafter shall be handled according to the provisions of §§ 1-2.303 and 1-2.305 regarding late bids and modifications.

(e) Pursuant to §§ 1-2.404-1(c) or 1-2.407-8(b)(2), consent of surety to extensions of the bid acceptance period need be obtained only if such extension goes beyond the original 60-day period designated in the bid bond, when Standard Form 24, Bid Bond, illustrated at § 1-16.901-24, has been executed.

**§ 5-2.202-51 Listing of subcontractors (construction, repair, and alterations).**

(a) Except as provided in paragraphs (b) and (c) of this subsection, solicitations for new construction and repair and alteration contracts shall require the bidder to name the subcontractors with whom the bidder proposes to subcontract for performance of onsite work of the categories set forth in the supplement to bid form, List of Subcontractors (see § 5-2.202-51(h)), or to enter the bidder's own name to indicate work that will not be subcontracted. For each project, the contracting officer shall determine the categories of the specified work for which the names are to be submitted, based on the following criteria:

(1) The listing shall include all heating, ventilating, and air-conditioning (HVAC), electrical; and vertical transportation categories regardless of estimated value.

(2) The listing shall also include all categories of work in the project specifications which, individually, are determined by the contracting officer to compose at least 6 percent of the estimated contract price. Categories estimated to cost less than 6 percent shall not be included. When determining which categories constitute 6 percent or more of the total contract price, computations for each category shall include all estimated costs of the work in the category (including materials, equipment, and offsite labor as well as onsite labor) plus a prorated share of applicable markups such as those for overhead, profit, and bond premiums.

(3) To identify the work encompassed in a category so the bidders will understand all of the work for which they are obliged to name proposed subcontractors (or themselves), the supplement to bid form, List of Subcontractors, (see § 5-2.202-51(h)), included in the solicitation shall be prepared as follows:

(i) For HVAC, enter on the form: "All HVAC work in Div. 15, Mechanical", and provide several spaces for the

bidder to enter more than one name and address as appropriate.

(ii) Identify all other applicable categories on the supplement to bid form, List of Subcontractors, by section number and title as used in the specifications.

(b) Solicitations on separate contracts for phased construction when individual categories of work are bid separately need not include a subcontractor listing requirement unless two or more categories of work (as defined in paragraph (a) of this § 5-2.202-51) are combined in one bid package and the contracting officer, or the contracting officer's designee, determines that the contract offers subcontracting opportunities as indicated by trade practice.

(c) The requirement to name subcontractors shall not be included in solicitations on contracts for new construction or repair and alteration which are not estimated to exceed \$1 million. It may be omitted from solicitations on specific contracts estimated to exceed this amount, if the contracting officer determines that the listing requirement is not feasible. In such case, the contracting officer should submit these findings for Central Office approval prior to issuance of the solicitation.

(d) When bids on alternates are required, the estimated cost of the maximum amount of work which might be included in an award of the contract shall serve as the basis for determining (1) whether the requirements for listing of subcontractors shall be included in the solicitation and (2) the categories of work to be included in the list.

(e) The list of categories of work (as discussed in § 5-2.202-51(a)) for which subcontractors are required to be named shall be set forth in the supplement to the bid form, List of Subcontractors as illustrated in paragraph (h) of this § 5-2.202-51(a). This supplement shall be prepared as provided in paragraph (a) of this § 5-2.202-51.

(f) The following clause shall be included in the Special Conditions:

**Listing of Subcontractors**

(a) For each category on the List of Subcontractors, which is included as part of the bid, the bidder shall enter either (1) the name and address of the individual or firm with whom the bidder proposes to subcontract for performance of the category, or (2) the bidder's own name to indicate that the category will not be performed by subcontract.

(b) If the bidder intends to subcontract with more than one subcontractor for a category, or to perform a portion of a category with bidder's own forces and subcontract with one or more subcontractors

for the balance of the category, the bidder shall list all individuals or firms (including the bidder) and state the portion (by percentage or narrative description) of the category to be performed by each.

(c) If any alternate bids are required which would change the bidder's selection of subcontractors for designated categories, the bidder shall list (1) the name and address of the individual or firm with whom the bidder proposes to subcontract (or the bidder's own name) for performance of the category if awarded the contract on the base bid only and (2) the individual or firm with whom the bidder proposes to subcontract (or the bidder's own name) if the award includes one or more of the related alternates. The bidder shall clearly show, after each listing, the basis for which each named individual or firm shall be considered to be the listed subcontractor for the category.

(d) The list may be submitted with the bid or separately by telegraph or mail. If mailed separately, the envelope must be sealed, identified as to content, and addressed in the same manner as prescribed for submission of bids. Failure to submit the list by the time set for bid opening shall cause the bid to be considered nonresponsive except under the conditions set out in the Late Bids and Modifications or Withdrawals clause of Standard Form 22, Instructions to Bidders (Construction Contract).

(e) Except as otherwise provided herein, the successful bidder (Contractor) shall not have the onsite work of any listed category or portion of category performed by any individual or firm other than those named in the bid for performance thereof.

(1) The contractor shall perform all onsite work of each category for which the contractor entered the contractor's own name, with personnel carried on the contractor's own payroll (other than operators of leased equipment).

(2) The contractor shall require any firm listed for the entire heating, ventilating, and air-conditioning (HVAC) to be experienced in and normally perform either heating or air-conditioning work. The listed subcontractor shall perform with the subcontractor's own forces at least 30 percent of the onsite labor for the entire HVAC category. If two or more firms are listed, at least one shall meet the experience requirements above and perform a minimum of 30 percent of the onsite labor for the entire category.

(3) For all other categories, the contractor shall require each subcontractor named in the bid for an entire category or portion thereof to perform with personnel carried on the subcontractor's own payroll (other than operators of leased equipment) not less than 70 percent<sup>1</sup> of the onsite work of that category or portion of category.

(f) In the event a subcontractor fails or refuses to perform with the subcontractor's own forces, the minimum amount of onsite work as specified above, the Government

<sup>1</sup> If the contracting officer determines that the 70 percent performance requirement, as stated above, is not feasible for a specific contract, the contracting officer may specify a lesser percentage and submit his findings for Central Office approval prior to issuance of the solicitation.

shall have the right to require the contractor (1) to terminate the subcontract (2) to secure approval for a substitution under the terms and conditions set forth in paragraphs (j) and (l) of this clause.

(g) For the purpose of this requirement, the following definitions apply:

(1) The term "subcontractor" shall mean an individual or firm with whom the bidder proposes to enter into a subcontract for the performance of work on the site, including construction, fabrication, or installation of materials and/or equipment pursuant to the project specifications applicable to any category included on the List of Subcontractors. It excludes any manufacturer, fabricator, or supplier whose onsite work would be limited to incidental activities such as testing or adjusting equipment or material installed by others.

(2) The term "subcontract" includes, in addition to a two-signature document, all transactions resulting from acceptance of offers by awards or notices of awards, agreements and job orders, letter agreements, and letters of intent and orders such as purchase orders, under which the subcontract becomes effective by written acceptance or performance. It also includes modifications thereto.

(3) The term "onsite work" is the cost of labor and supervision and excludes the cost of materials and/or equipment.

(h) Nothing contained in this clause shall be construed as changing the percentage requirement in the General Conditions for the contractor to perform with the contractor's own forces.

(i) The contractor shall be responsible for all aspects of performance by subcontractors.

(j) No substitutions for the individuals or firms named will be permitted except in unusual situations and then only upon the submission in writing to the contracting officer of a complete justification therefor and receipt of the contracting officer's written approval. The contractor shall not be entitled to any increase in the contract price if substitution is authorized. However, the contract price shall be reduced if the contractor's cost of performing the work is decreased as a result of approval of a subcontractor substitution. In the event the contracting officer finds that substitution is not justified, the contractor's failure or refusal to proceed with the work by or through the named subcontractor shall be grounds for termination of the contract under the provisions of the Termination clause of the General Provisions.

(k) Notwithstanding any of the provisions of this clause, the contracting officer shall have authority to disapprove or reject the employment of any subcontractor he has determined nonresponsive or who does not meet the requirements of an applicable Specialist or Competency of Bidder clause.

(1) The contracting officer shall have the right to require any information and supporting evidence he may consider relevant and necessary in connection with the approval or disapproval of a request for substitution and to determine the extent of reduction (if any) in the contract price in the event substitution is approved, including, but not limited to, certified copies of the original

worksheets used in the preparation of the bid on the prime contract, certified copies of the offers submitted to the successful bidder by the named subcontractor and the proposed substitute, and affidavits as to the circumstances relating to the request for substitution or the estimated cost of performance by a subcontractor named or proposed as a substitute. The contractor's failure or refusal to proceed with the work by or through a named subcontractor after failing or refusing for an unreasonable period of time to furnish supporting evidence as required by the contracting officer in connection with a request for approval for a substitution shall be grounds for termination under the provisions of the Termination clause of the General Provisions.

(m) Nothing contained in this clause shall in itself be construed to create any contract or property rights in the successful bidder or any subcontractor. The imposition of any requirements under paragraph (k) of this clause or the contracting officer's refusal to approve a substitution pursuant to the provisions of paragraphs (j) and (l) of this clause shall not give rise to any cause of action against the Government by the successful bidder or by any subcontractor engaged or proposed to be engaged by the successful bidder.

(n) If the bidder fails to comply with the requirements of paragraph (a), (b) or (c) of this clause, the bid will be rejected as nonresponsive to the invitation.

(o) In order to implement effectively the objectives of the foregoing provisions and to ensure the timely receipt of accurate bids, the bidder is requested to urge all subcontractors intending to submit a proposal for work involved in the project to submit to all bidders to whom they intend to bid, a written proposal (or written abstract) with or without price, outlining in detail the specific sections of the specifications to be included in their work, as well as any exceptions or exclusions therefrom. It is suggested that such written proposal be submitted to the bidder at least 48 hours in advance of the bid opening.

(End of Clause)

(g) Contracting officers shall treat separate submissions of lists of subcontractors in the same manner as submissions of bids with respect to timeliness of receipt, modification, or withdrawal, and may consider lists of subcontractors, modifications, or withdrawals thereof, received after bid opening time only under the conditions specified in instruction No. 7 of Instruction to Bidders (Standard Form 22). See also § 1-2.201(a)(31).

(h) The supplement to the bid form required by paragraph (e) of this § 5-2.202-51 shall conform to the following format:

#### Supplement to Bid Form List Of Subcontractors

Project No. \_\_\_\_\_

Listed below are the names and business addresses as required by the "Listing of Subcontractors" paragraph of the Special Conditions:

Category section number/title	Subcontractor names and business addresses	Portion of category (as applicable)

**Note.**—The listing of an individual or firm (whether a subcontractor or the bidder) who does not meet the requirements of the Specialist or Competency of Bidder clauses in the specifications, wherever applicable, may be grounds for rejection of the bid.

Name of Bidder: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

(End of Supplement)

#### § 5-2.202-52 Substitution of subcontractors named in bids for construction contracts.

(a) The contracting officer may permit substitution of a subcontractor for one named in a bid pursuant to the Listing of Subcontractors provision included in a solicitation, in unusual situations, upon submission by the contractor or bidder of a complete justification. (See paragraph (f) of the clause in § 5-2.202-51(f).) The term "unusual situations" includes, but is not limited to a subcontractor's:

(1) Death or physical disability, if the named subcontractor is an individual;

(2) Dissolution, if a corporation or partnership;

(3) Bankruptcy;

(4) Inability to furnish a reasonable performance and payment bond;

(5) Inability to obtain, or loss of, a license necessary for the performance of the particular category of work;

(6) Failure or inability to comply with a requirement of law applicable to contractors, subcontractors, or construction, alteration, or repair projects;

(7) Failure or refusal to execute the subcontract in accordance with the terms of an offer submitted to the contractor or bidder prior to the latter's submission of his bid, but only when the contracting officer can ascertain with reasonable certainty the terms of such offer. In the absence of any other factors, such failure or refusal will be considered an unusual situation only if the bidder obtained, prior to bidding, an enforceable commitment from the subcontractor involved;

(8) Failure to meet any criteria of responsibility set out in Subpart 1-1.12, but only when the contracting officer finds that substitution for this cause would be in the best interests of the Government (i.e., that it would not be prejudicial to the rights of other bidders and that the contractor or bidder has not attempted to circumvent the restraint on

bid shopping by listing a nonresponsible subcontractor in order to gain an opportunity to bid shop prior to making the requested substitution); or

(9) Failure to meet the qualification requirements of an applicable Specialist or Competency of Bidder clause, but only when the contracting officer, after discussion with the contractor or bidder and, if appropriate, the named subcontractor, finds that substitution for this cause would be in the best interests of the Government as specified in § 5-2.202-52(a)(8), above.

(b) When the contracting officer finds that a proposed substitution is justified, the substitution shall be authorized at no increase in the bid or contract price or at a reduction in the bid or contract price, in accordance with the provisions of the clause, "Listing of Subcontractors".

**§ 5-2.202-53 Unit prices (Construction contracts).**

(a) Solicitations shall require that bids on unit prices be for the entire quantity on an item included in the contract (this item being excluded from the lump sum bid), so that the unit price can be extended by the number of units required and the extended amount can be added to the lump sum bid to determine the lowest bidder. The applicable sections of the technical specifications shall:

(1) Clearly define the unit (e.g., linear foot, square foot, or cubic yard, etc.)

(2) Provide that the lump sum contract price does not include the item or the installation thereof, payment for which shall be made at the unit price in accordance with the applicable payment provisions.

(3) Provide that the contracting officer shall have the right to increase or decrease the number of units to be furnished and installed. The contractor shall be paid at the contract unit price per specified unit, multiplied by the total number of acceptable units actually installed regardless of adjustments in requirements within the percentage limit specified by the contracting officer. In the event the contracting officer requires an increase or a decrease in the number of units of more than the specified percentage, the contract price shall be equitably adjusted pursuant to the provisions of the Changes clause of Standard Form 23A, and commensurate with the increased or decreased costs per unit resulting from the increase or decrease in requirements. To determine the percentage of increase or decrease allowed without change in the contract unit price, an analysis shall be made of the types of fixed costs (such as rental of equipment and moving equipment to

and from the site) that will be allocated over the units; the point when such allocated costs would be substantially affected or altered by an increase or decrease in the number of units will be considered in determining the percentage change to be entered in the specification.

(4) Provide that payment in accordance with the payment provisions shall constitute full compensation for furnishing, delivering, handling, and/or installing (as applicable) all material, labor and equipment necessary to meet contract requirements applicable to the unit.

(b) Solicitations shall not include a provision that bids may be adjusted upward or downward in determining the lowest bidder by using unit-price quantities which have been reduced or increased subsequent to advertising and prior to award, even if such quantity changes reflect a change in the requirements for the item.

(c) When unit price bids are required, the following requirements must be included:

(1) The bidder shall enter each required unit price bid in the space provided on the bid form.

(2) The number of units required shall be determined (either from the drawings and specifications or, if not determinable from drawings and specifications, by estimating) and shall be shown on the bid form beside the space provided for the bidder to enter each unit price.

(3) If the item requiring unit price bids is an integral part of the work, without which a contract cannot be awarded, the solicitation shall state that failure to submit unit price bid(s) will render the bid nonresponsive.

(4) The Special Conditions shall contain a statement that the lump sum bid shall not include the cost of any work requiring a unit price bid, and that bidders are required to submit a unit price bid on each specified item of work.

(5) The Special Conditions shall contain a statement that in determining the low bidder, each bidder's unit price(s) will be multiplied by the applicable number of units shown on the bid form and the product(s) will be added to the lump sum bid and such alternate bids as may be accepted.

**§ 5-2.202-54 Bidders' qualifications for special work (Construction).**

(a) *Elevators.* The following clause shall be inserted in the Special Conditions of all specifications which include installation of new elevators and, where appropriate, may be included in specifications for repair or alteration of elevators:

**Competency of Bidder (Elevator)**

(1) The bidder, or the subcontractor whom the bidder will use for performance of the elevator work, shall have had at least three years successful experience in installing and servicing elevators.

(2) In addition, the bidder or the subcontractor shall have installed, on at least two prior projects, elevators which are comparable to those required for this project and which have performed satisfactorily under conditions of normal use for a period of not less than one year. To be considered comparable, prior installations shall have not less than the same number of elevators operating together in one group as the largest number in any group specified for this project, except that a group of four may be considered comparable to a larger group specified for this project.

(3) A list of the prior comparable installations by the bidder or by the subcontractor, together with the names and addresses of the buildings, the names of the owners or managers thereof, and any other pertinent information required shall be submitted promptly upon request of the Government.

(4) The names, addresses, experience, and statement of the work to be performed by each subcontractor or second-tier subcontractor whom the bidder or the principal subcontractor, as the case may be, will use for performance of minor portions of the installation of elevators, shall also be submitted promptly upon request by the Government.

(5) The bid may be rejected if the bidder or the elevator subcontractor has established on former jobs, either Government, municipal, or commercial, a record for unsatisfactory elevator installations, has repeatedly failed to complete contracts awarded to him within the contract time, or otherwise fails to meet the experience requirements of this clause.

(End of Clause)

(b) *Specialist.* The following clause shall be inserted in the Special Conditions of all specifications when a specialist is required:

**Specialist**

The term "Specialist" as used in the specification shall mean an individual or firm of established reputation (or, if newly organized, whose personnel have previously established a reputation in the same field), which is regularly engaged in, and which maintains a regular force of workmen skilled in either (as applicable) manufacturing or fabricating items required by the contract, installing items required by the contract, or otherwise performing work required by the contract. Where the contract specification requires installation by a specialist, that term shall also be deemed to mean either the manufacturer of the item, an individual or firm licensed by the manufacturer, or an individual or firm who will perform the work under the manufacturer's direct supervision.

(End of clause)

**§ 5-2.202-55 Use of equipment by the Government (Construction).**

(a) On heating and air-conditioning projects in existing buildings or buildings under construction, it may be necessary for the Government to operate all or part of the equipment prior to the final acceptance of the project. In the specifications for a project with a completion date at the beginning of or during either the heating or cooling season, a notice shall be placed in the Special Conditions section to inform the contractor that:

(1) The Government may take over, and operate with Government employees, equipment that is necessary for heating or cooling the areas of the building requiring service, as soon as the installation is sufficiently complete.

(2) The contracting officer will send advance written notice to the contractor stating what items of equipment will be operated, and the date and time such operation will begin.

(3) Government operation of equipment will not relieve the contractor of the one-year guarantee on materials and workmanship provided for in this contract.

(4) The guarantee period, under this contract, for each piece of equipment shall begin at the time the Government takes over its operation.

(b) Specifications may provide that elevators, escalators, and other mechanical equipment may be taken over and operated by the Government under the same conditions as outlined for heating and cooling equipment.

**§ 5-2.202-56 Charges and deposits for bidding documents.**

This subsection is applicable to construction procurements, including repairs and alterations.

(a) Generally, bid documents will be provided free and without a requirement for either a refundable deposit or a nonrefundable charge, except as provided in § 5-2.202-56(c), below. Bid documents will be provided free for review purposes to plan rooms, contractor service facilities, and other similar places having a legitimate interest in the bidding process.

(b) To encourage the return of specifications and drawings to GSA, a note similar to the following, shall be prominently placed in each solicitation:

**Note.**—We request your cooperation in returning the bid documents to GSA within 20 calendar days after bid opening date.

(c) If the contracting officer determines before issuance of the solicitation that an insufficient number of sets of bid documents were returned

on previous projects, a refundable bid document deposit may be required. Under extraordinary circumstances, a nonrefundable charge may be required for bid documents if approved by the appropriate Assistant Regional Administrator. No charges or deposits shall be made in negotiated procurements.

(1) The amount of deposit for bid documents should be determined on the basis of the actual printing costs of the documents. The following table is for guidance purposes only, and the contracting officer may require amounts higher or lower than those shown. Deposits should not be so high as to discourage bidder participation. Refundable bid document charges are intended to ensure the return of bid documents to the Government for use by the successful contractor and Government personnel, and thus minimize the need for duplication of additional sets. When the administrative cost of processing bid document deposits and returning bid documents is greater than the value of returned documents, the contracting officer should not require deposits.

Estimated project cost range	Guide for refundable bid document deposit
Up to \$1,000,000 .....	(1)
\$1,000,000 to \$5,000,000 .....	\$30
\$5,000,000 to \$10,000,000 .....	40
\$10,000,000 and over .....	50

<sup>1</sup> None.

(2) When a bid document deposit is required, the preinvitation notice shall require that the deposit be made by certified check, cashier's check, or money order in the applicable amount, payable to the General Services Administration. If a deposit is not submitted as specified, a reasonable attempt shall be made to obtain the deposit in the proper form without delay. A record of this contact shall be placed in the contract file. Refund of the bid document deposit will be made for bid documents returned in good condition, without marks, notes, or mutilations, within 20 calendar days after bid opening date. Refunds shall not be made for bid documents returned more than 20 days after bid opening.

(3) The contracting officer shall cite the amount of the refundable deposit on GSA Form 2056, Pre-Invitation Notice (Construction Contract).

**§ 5-2.202-57 Construction program management.**

(a) *Construction progress chart.* (1) Except when critical path method (CPM)

scheduling is to be used, a requirement for a construction progress chart shall be included in all new construction and alteration contracts which specify a contract completion time of more than 75 days. For contracts estimated to exceed \$10,000, this will be accomplished by inserting in the contract GSA Form 1139, General Conditions, Section 0010 (see Construction Progress Chart Clause). For contracts estimated not to exceed \$10,000 an appropriate clause shall be inserted in the Special Conditions to require the chart.

(2) If a contract estimated to exceed \$10,000 specifies a completion time of 75 days or less, or when CPM scheduling is used, the Construction Progress Chart Clause may be deleted from GSA Form 1139.

(b) *Critical path method (CPM) scheduling.* (1) The provisions in PBS Guide Specification 4-01170, Critical Path Method Scheduling, shall be made a part of the contract for all construction projects with an estimated improvement cost of \$1,000,000 or more (except phased construction). This specification provides for the use of network plans in planning, coordinating, and performing the work. CPM scheduling may be required for smaller projects, if the contracting officer has available trained personnel who can administer it and there is reasonable assurance that major objections will not be raised by contractors. Unless there are special circumstances which justify its use, CPM scheduling shall not be required for any new construction projects estimated to cost less than \$250,000 or for any alteration project estimated to cost less than \$500,000. Guide Specification 4-01170 shall be modified to fit the circumstances and conditions of the particular procurement.

**§ 5-2.202-58 Full maintenance of elevators.**

(a) The specifications for construction of buildings for the Federal Government, mixed-ownership corporations, and the District of Columbia which require the installation of new elevator(s) may, when determined to be appropriate and feasible, include an option for full maintenance of the elevator(s) for a one-year period coinciding with the guarantee period under the construction contract, in order to avoid problems arising from disagreements as to whether service is required under the guarantee or under a separate maintenance arrangement. The specifications shall require that the same elevator contractor or subcontractor install the elevators and

furnish the maintenance, whenever the option is included. A separate bid on the option will be required and the contract shall provide for exercise of the option at any time up to commencement of the guarantee period (or up to acceptance and use by the Government of the first elevator(s) when acceptance may be staggered). When an invitation for bids requires alternate bids affecting the number, combination, or type of elevators to be installed, alternate bids on elevator maintenance options will be required covering each potential combination of base bids and alternates which may be accepted by the Government and which affect elevator maintenance. If the number of alternates affecting elevators and elevator maintenance would require an undue number of alternate bids on elevator maintenance options, maintenance should not be included in the contract.

(b) The cost of elevator maintenance must be funded from an appropriation designated for that purpose. Therefore, prior to advertising the project, approval of the inclusion of the elevator maintenance option in the construction contract shall be sought from the department, office, agency, or other organization which will be responsible for the maintenance of the building upon its completion. The request for approval must be made for each individual project and shall include an estimate of the cost of the elevator maintenance for one year. It should be made well in advance of the time the specifications are scheduled for printing to give the department, office, agency, or other organization ample time to consider the request along with other alternatives for maintenance which may be available to them, such as maintenance by Government-employed mechanics and multi-year maintenance contracts. In the case of non-GSA operated buildings, the approval shall include a commitment that the department, office, agency, or other organization will either (1) reimburse GSA, or (2) pay the contractor directly if GSA is subsequently authorized to exercise the option. If approval is not received, a maintenance option may not be included in the solicitation.

(c) When a separate bid on the maintenance option is required, the solicitation shall reserve to the Government the right to accept or reject the maintenance option bid; if accepted, the maintenance option bid shall be added to the bid on the construction (and to bids on alternates accepted by the Government, if applicable) for purposes of determining the relative standing of the bidders in making the

award. The contract shall also provide that the monthly payment for elevator maintenance shall be based upon the ratio which the number of elevators subject to maintenance in a given month bears to the total number of elevators to be maintained for twelve months each.

(d) The inclusion of an elevator maintenance option for a one-year period to coincide with the guarantee period is also authorized for contracts for the modernization of existing elevators when considered to be in the best interests of the Government. Similar procedures to those outlined in paragraphs (a), (b), and (c) of this § 5-2.202-58 shall be followed when such maintenance is included.

(e) Similar maintenance options may be included in the specifications for escalators and dumbwaiters under conditions applicable to elevators.

#### § 5-2.203 Methods of soliciting bids.

##### § 5-2.203-1 Mailing or delivering to prospective bidders.

(a) A copy of each solicitation for direct delivery purchases shall be provided to the requisitioning office.

(b) Active bidders (current contractors and bidders that responded to recent similar solicitations) shall be provided with bid sets for the same or similar items. Active bidders' names shall be checked against the bidders mailing list printout and, if they are not listed, action shall be taken to include them on the printout.

(c) Addressees on the bidders mailing list printout shall be furnished one copy of the invitation. Active bidders shall be furnished one complete bid set. A bid set should consist of three copies of the solicitation, two to be submitted with the bid and one to be retained for the bidder's own record. Procuring activities shall prepare the required address labels or addressed envelopes for the active bidders and furnish them to the local printing and distribution activity.

(d) The distribution of solicitations shall include the quantities required by the Business Service Center in the region where the solicitation originates. Business Service Centers shall advise contracting offices of quantities required for public display, reference, and for filling requests for copies.

(e) Firms in debarred or ineligible status will be treated in accordance with § 1-1.603.

(f) Solicitations shall provide instructions to bidders giving the exact address where offers are to be mailed or delivered. When appropriate, Optional Form 17, Sealed Bid Label, may be used as an aid in the proper identification.

(g) The following clause shall be included in all solicitations (may be included as a notice on GSA Form 1602 if a cover page is used):

#### Solicitation Copies

To reduce costs, only a single copy of this solicitation is mailed to addressees on our bidders mailing list, except that complete bid sets are furnished to active bidders who responded to previous solicitations for similar commodities. If additional copies are required (see Block 9, page 1, for number of bid copies to be submitted), you may reproduce them yourself, provided they are complete in every respect, or you may obtain them from the GSA Business Service Center, (insert address and phone number of the BSC serving the issuing office).

(End of Clause)

(h) Contracting officers shall ensure that all amendments to solicitations and related notices are furnished promptly to every addressee previously furnished a solicitation.

#### § 5-2.203-2 Displaying in public places.

(a) *General.* The Business Service Centers shall display copies of solicitations so that they are readily available and accessible for public examination. After the bid opening date, copies shall be removed from display.

(b) *Building services and repair and alterations contracts.* Complete sets of bidding documents will be provided for public examination to the:

(1) PBS area, field office, and buildings managers, and

(2) Custodian of the building where work is to be performed.

#### § 5-2.203-3 Publicity in newspapers and trade journals. (Applicable to repair and alteration, and construction contracts).

(a) Bids shall be solicited through advertisements when authorized by the Commissioner, PBS, or the appropriate Assistant Regional Administrator.

(b) As a rule, paid advertising will be used for all projects in excess of \$25,000. Under special circumstances, the Directors of the Design and Construction Divisions (PC) may direct the advertising of projects estimated to cost \$25,000 or less. Rates paid for advertising shall not exceed the commercial rate.

(1) *Selection of media.* In selecting advertising media, the following rules shall be observed:

(i) In a small town, the newspaper with the widest circulation shall be chosen. If no local newspaper is published, the order for advertising shall be placed with the newspaper in the nearest town.

(ii) In larger towns and cities having more than one newspaper, and where many projects may be advertised over a 12-month period, care shall be taken to

spread advertising among several newspapers.

(2) *Ad placements.* The following rules shall govern the placement of paid advertising:

(i) Projects under \$200,000. Three consecutive notices in a daily newspaper, or one if the paper is published weekly, in the locality nearest the project.

(ii) Projects from \$200,000 to \$1,000,000. In addition to publicity required for small projects under \$200,000, notices will be placed in two trade publications in the locality nearest the project.

(iii) Projects over \$1,000,000. In addition to the requirements in paragraph 5-2.203-3(b)(2)(i) above, notices shall be published in four trade publications.

(c) Upon request, single copies of solicitations, or a brief summary thereof, shall be furnished to newspapers, trade journals, magazines, trade societies, and similar organizations, for free publication. When solicitations which include costly material, such as detailed specifications and drawings, are requested by such an organization, the contracting officer shall furnish such material only when it is determined that it is in the best interests of the Government to do so.

#### § 5-2.204 Records of invitations for bids and records of bids.

Business Service Centers shall submit promptly to the appropriate contracting officer a supplemental list of firms (including addresses) to whom the BSC furnished solicitations or amendments. Contracting officers shall furnish these firms with applicable amendments or notices.

#### § 5-2.205 Bidders mailing lists.

##### § 5-2.205-1 Establishment of lists.

(a) Bidders mailing lists shall be established in accordance with § 1-2.205. Contracting officers may use either the computerized central bidders mailing list maintained by Region 8 for supplies and services or local lists maintained by the purchasing activity.

(b) Inquiries from or for business firms requesting inclusion on bidders mailing lists shall be referred to the GSA Business Service Center serving the geographic areas in which the firms are located. Business Service Centers will assist firms to be included on the proper GSA mailing lists and will provide prospective bidders with necessary application forms and related information.

#### § 5-2.205-2 Removal of names from bidders mailing lists (BML).

(a) To remove firms from the BML:

- (1) Encircle in black on a copy of the applicable bidders mailing list the firms to be removed; and
- (2) Attach a cover letter listing the solicitation number to which the firm did not respond, the commodity, the issue and closing dates of the solicitation, and the class and mailing list code (MLC) from GSA Form 1382, List of Commodities and Services, and forward to 8BRC for action. The letter should read substantially as follows:

Please delete the encircled firms which did not respond to solicitation No. \_\_\_\_\_ for \_\_\_\_\_, issued \_\_\_\_\_, and opened \_\_\_\_\_, class \_\_\_\_\_, and MLC \_\_\_\_\_.

(3) The procuring activity may retain nonresponding firms on the mailing list if such action is determined advantageous to the procuring activity. Unless the addressee requests removal, addressees such as U.S. Congressional Offices and offices in GSA's Central Office should not be removed from the computerized BML.

(b) Only procuring activities having national responsibility for the items or services shall remove firms from the BML. Other procuring activities shall route such lists and letters through the activity having national commodity or service responsibility for concurrence and forwarding to the Centralized Mailing Lists Services Branch (8BRC) for action.

#### § 5-2.205-4 Excessively long bidders mailing lists.

*Pre-invitation notices.* For construction contracts, in addition to the requirements in § 1-2.205-4(c), notices shall include an estimate of the cost of the work to be performed, expressed as a range within which the estimate falls.

#### § 5-2.207 Amendment of invitations for bids.

(a) For construction contracts, amendments shall not be issued later than 10 days before the date set for opening of bids. Amendments involving wage determinations shall be issued as provided in § 1-18.704.

(b)(1) Amendments of invitations for bids shall be prepared on GSA Form 1747, Amendment to Bid Documents (Construction Contract), and shall be issued to all registered holders of the basic bidding documents issued for the project.

(2) When questions are received too late to permit issuance of an amendment, explanations shall be prepared on GSA Form 1747A, Final Clarifications to Bid Documents (Construction Contract), in the same

manner as would have been employed for a timely amendment. The completed form shall be submitted to the contracting officer for consideration prior to contract award.

(c) For supply and service contracts, see § 5-16.901-30-1 for instructions regarding Standard Form 30, Amendment of Solicitation/Modification of Contract.

### Subpart 5-2.3—Submission of Bids

#### § 5-2.301 Responsiveness of bids (All PBS solicitations).

(a) Telecopier bids, proposals, modifications or withdrawals are not permitted, accepted or honored.

(b) Include this clause in all PBS solicitations:

##### Telecopier Bids, Proposals, Modifications or Withdrawals

Telecopier bids, proposals or modifications are ineligible for consideration in making an award. Telecopier requests for withdrawal of bids, proposals or modifications are not permitted, accepted or honored.

(End of Clause)

#### § 5-2.302 Time of bid submission.

When a telegraphic bid is received by telephone under the circumstances described in § 1-2.302, the identity of the telegraph office employee telephoning the message shall be obtained and recorded in the solicitation file.

#### § 5-2.303 Late bids.

##### § 5-2.303-1 General.

Upon receipt of a late bid delivered by mail (or telegraph, when authorized), the bid custodian shall record it on the duplicate copy of the list of bidders and have it delivered immediately to the responsible contracting officer.

##### § 5-2.302-5 Hand-carried bids.

The delivery of a bid after the bid opening time by other than mail or telegram shall not be accepted. Should a bid custodian become unavoidably in possession of such a bid, it shall be immediately time stamped and handled in the same manner as prescribed for late bids. In addition, the bid custodian shall note on the duplicate copy of the list of bidders when and how the bid was delivered.

##### § 5-2.303-7 Disposition of late bids.

A late bid returned to a bidder shall be accompanied by a statement from the contracting officer that the bid was not considered because of its late receipt.



**§ 5-2.304 Modification of withdrawal of bids.**

(a) Bid modifications received prior to bid opening time shall be handled in the same manner as bids and shall be attached to the related bid envelope to ensure opening at the same time. When a telegraphic modification or withdrawal of a bid is received by telephone under the circumstances described in § 1-2.304, the identity of the telegraph office employee telephoning the message shall be obtained and recorded in the solicitation file. When such a modification results in a bid most advantageous to the Government, the contract award shall be withheld until receipt of the copy of the written telegram.

(b) The receipt required by § 1-2.304 for withdrawal of a bid in person by a bidder or an authorized representative of the bidder before the time set for opening shall be worded as follows:

I certify that I am a bona fide, fully authorized agent for or representative of (Bidder's name and address) —whose bid on IFB No. — is scheduled for opening on —. I hereby withdraw that bid from consideration and acknowledge receipt of the unopened bid. (Name and telephone No.) (Date)

(c) The following clause shall be included in all solicitations for supply and service contracts.

**Telegraphic Bids or Proposals, Modifications, or Withdrawals of Bids or Proposals**

When telegraphic bids or proposals, telegraphic modifications, or telegraphic withdrawals of bids or proposals are authorized by the solicitation, the time of receipt stamped by the Government personnel at the local GSA Communications Center shall be deemed to be the time of receipt at the office designated in the solicitation for receipt of offers or proposals. This clause shall not apply to any authorized telegraphic communications which are not received by the GSA Communications Center.

(End of Clause)

**§ 5-2.370 Copies of bids required in submission.**

(a) Normally the bidding set mailed to each prospective bidder shall include three copies of the invitation for bids, and three copies of all material the invitation states is attached and incorporated. When material is incorporated by reference and is not required to be returned with the bid, a single copy of such material, if not previously furnished, should be included with each bidding set, as necessary or appropriate. Bids shall be submitted in an original and one copy, the third copy being retained by the bidders. The

original will be used by the procurement activity for the tabulation and evaluation of bids. The copy will be retained by the Business Service Center for public information until the bid abstract is available to replace it.

(b) The approval of the director of the appropriate procurement division shall be obtained when it is necessary to vary the normal distribution of the sets.

**Subpart 5-2.4 Opening of Bids and Award of Contract****§ 5-2.401 Receipt and safeguarding of bids.**

(a) Bids, and modifications in response to solicitations shall be received and safeguarded by the appropriate Business Service Center until the time specified for opening. Adequate space and facilities shall be provided for the receipt and safeguarding of bids for the holding of public bid openings. This shall include a locking-type bid box located within sight of the bid custodian and in a place where bidders or their representatives can readily deposit bids.

(1) Bids received shall be handled as follows:

(i) At the initial point of receipt, each envelope (or other covering) received by mail and identified as containing a bid shall be immediately time-stamped or indicated thereon the place, date, and time of receipt by authorized personnel. Then the bid(s) shall be delivered by special handling to the bid custodian in the Business Service Center. Each Assistant Regional Administrator for External Affairs shall designate bid custodians and alternates as may be required, to perform the functions incident to the receipt, custody, and recording of bids.

(ii) Insufficient postage on bid envelopes shall not be a reason for failure to accept delivery of bids.

(iii) Mailed bids and modifications delivered to the bid custodian prior to bid opening time shall be recorded on the list of bidders on the same day they are delivered and then placed in a suitable locked cabinet.

(iv) Hand-carried bids delivered prior to bid opening time will be deposited in the locked bid box in the Business Service Center. The bid custodian shall have custody of a key or combination to this receptacle. In the event a handcarried bid is not placed in the bid box by the bidder, but is handed to the bid custodian or other Business Service Center personnel, it shall be time stamped immediately and then handled in the same manner as provided for mailed bids. At least once daily (and immediately preceding the time for each

scheduled bid opening), the bid custodian shall remove and time stamp the bids, record them and place them with any other bids previously received.

(v) Telegraphic bids and modifications shall be sealed in envelopes immediately upon receipt, appropriately identified, and handled in the same manner as bids submitted by mail.

(vi) For each invitation, the bid custodian shall prepare a list, in duplicate, of the bidders whose bids are received before bid opening time. The list shall show the invitation number and the name and address of each bidder. In addition, when a bid modification is received before bid opening time or when a bid previously recorded on this list is withdrawn, the list shall so indicate.

(2) At the scheduled bid opening time, the bid custodian shall deliver all bids received in response to the invitation, together with both copies of the list of bidders, to the authorized bid opening official or designee, who shall acknowledge receipt of the bids by signing the duplicate copy of the list and returning it to the bid custodian. The original list shall become part of the contract file.

(b) Bids received in unidentified or unsealed envelopes and bids opened by mistake shall be handled in accordance with § 1-2.401(b).

(c) Envelopes in which bids are received shall be retained as part of the individual contract file to assure proper documentation of timely receipt of the bid.

**§ 5-2.401-50 Receipt and safeguarding of bid samples.**

(a) Bid samples shall be received and safeguarded in accordance with FPR 1-2.401, and this section in either a sample room or the Business Service Center. The term "sample custodian" as used herein refers to both Business Service Center personnel or sample room personnel, as appropriate.

(b) Bid samples submitted in response to a solicitation requirement must be received before bid opening to be considered for award. Samples are to be promptly time-stamped upon receipt by the sample custodian indicating the date and hour received. The sample custodian shall record whether the samples were sent by regular, registered, or certified mail, or by other delivery methods. Each sample container is to be accompanied by GSA Form 434, Sample Record Sheet, included as part of the solicitation. The regulations concerning late bids (§ 1-2.303) also apply to samples received after the time set for receipt of bids.

(c) Bid samples shall be carefully protected against loss, damage, or pilferage. Each sample shall be recorded and tagged showing the firm's name and address, solicitation number, noun name, national stock number (NSN), and date of receipt. If samples or their containers arrive damaged, the sample custodian shall note the condition of the container upon receipt and request a quality assurance specialist (QAS) to verify the actual condition of the samples involved.

(d) Approved samples. (1) Upon award of a contract, the contracting officer shall forward a copy of GSA Form 6419, Transmittal of Contract Award Data, to the sample custodian who shall tag the approved samples showing the contract number and the contract period. When there is only one sample, it shall be hand-carried or sent by an appropriate means of transportation to the manufacturing plant marked to the attention of the QAS. If there are two identical samples, one sample shall be retained in the bid sample room until performance is completed and the other shall be forwarded as stated above. The sample shall have the tag secured by wire with a lead seal. The sample custodian shall notify the Quality Assurance Division of sample shipment by furnishing a copy of GSA Form 6334.

(2) Upon completion of all deliveries/ shipments and inspection under the contract, the samples shall be returned to the supplier at the supplier's expense if so indicated on GSA Form 434, Sample Record Sheet. Other samples are to be treated as Government property for use or disposal. In those instances when the contracting officer has indicated that they may be reapplied to a succeeding solicitation, the sample shall be retained in the bid sample room.

(e) Disposition of other samples. (1) Bid samples rejected or untested shall be returned to the supplier at the supplier's expense, if so indicated on GSA Form 434, Sample Record Sheet. The others will be treated as Government property for use or disposal.

(2) Bid samples consumed or destroyed by tests will be disposed of as scrap unless the supplier has requested their return.

(3) Bid samples determined to be received late in accordance with § 1-2.303 shall be held until awards are made and returned to the offeror, freight collect, unless other disposition is requested or agreed to by the bidder.

#### § 5-2.402 Opening of bids.

(a) Public bid openings shall be held in the Business Service Center except when determined to be impracticable by the Business Service Center and the contracting officer. The schedule for bid openings shall be developed jointly by the Business Service Center and the contracting officer in order to avoid conflicts. The contracting officer shall be responsible for obtaining space for bid openings which are to be held outside the Business Service Center. As soon as it is determined to hold the bid opening elsewhere, the contracting officer shall inform the Business Service Center serving the geographic area in which the contracting office is located of the invitation number and the location where the public bid opening will be held.

(b) All bids shall be opened by the contracting officer or the contracting officer's designee responsible for the procurement. The designee shall be a qualified employee of the contracting office. Upon authorization by the Head of the Service or Staff Office involved, and the Director of Public Services, bids may be opened by selected Business Service Center personnel. Normally, this authorization will be requested only when the geographic distance separating the Business Service Center where bids are to be delivered and the contracting office makes it impracticable for the contracting officer or designee to be present to open bids.

(c) Bid openings shall be open to business representatives, members of the press, and the general public.

(d) To ensure that bids will be opened to the exact time specified, the bid opening official shall verify the accuracy of the timepiece to be used.

(e) For the information of those bidders present, approximately one-minute prior notice of bid opening will be announced audibly by the bid opening official.

(f) The bid opening official shall take precaution to ensure that the exact time of opening has arrived and shall announce this fact audibly, citing the invitation or invitations scheduled for opening. The opening of bids shall then proceed in full view of the parties present.

(g) In reading bids, the following information from each bid shall be announced when considered practicable and feasible: The name of the bidder, the unit price for each item bid upon, and other pertinent information, such as delivery and discount terms. A copy of each bid submitted in multiple copies shall remain in the bid opening room and be available for public examination

until the bid abstract is completed and made available instead. Bids submitted in an original only shall be made available for examination in accordance with § 1-2.402(c).

(h) No person shall tamper with any bid after it has been formally opened. This includes making any alterations or notations with pencil or ink, or disassembling, or withdrawing pages or adding pages not submitted with the bid.

(i) When invitations for bids provide for the submission of bid or performance bonds or like guarantees, arrangements shall be made by the contracting officer or the designee to have a bonded collection officer present when bids are opened to assume custody of guarantees other than bonds. The contracting officer shall retain bonds for checking acceptability. As soon as awards have been made, the contracting officer shall request the collection officer to return guarantees other than bonds to unsuccessful bidders. Bonds need not be returned.

(j) A record of persons attending each bid opening shall be maintained. This record shall include at least the names of persons present, firms or organizations represented, date and time of opening, and the invitation numbers in which each person is interested. The record may be in any suitable form, such as appropriate notations on the reverse of GSA Form 289, Abstract of Bids. The record shall be made a part of the invitation for bids file.

(k) If two or more bid openings are scheduled for the same date and hour and are to be conducted by the same bid opening official, normally the bid opening for which the greatest number of persons is present shall be conducted first.

(l) When multiple copies of bids are received, the bid opening official shall verify the entries on all copies. If there is a discrepancy between the copies of a bid, the contracting officer shall direct the bidder's attention to the suspected mistake and shall follow the procedures set forth in § 1-2.406 concerning mistakes in bids.

(m) Envelopes in which bids and bid modifications are received shall be retained in a temporary file until after all awards have been made. At that time, those which bear notations concerning abnormal receipt or opening for identification shall be made a part of the solicitation file and the remainder may be destroyed.

#### § 5-2.403 Recording of bids.

(a) The contracting officer shall be responsible for abstracting and



tabulating all bids. (1) For FSS contracts, GSA Form 289, Abstract of Bids, and GSA Form 289a, Abstract of Bids (Continued), normally shall be used. However, when unusual circumstances require a specialized form for abstracting bids, GSA Form 289 need not be used. (2) For PBS contracts, GSA Form 3471 (Feb. 1981) shall normally be used. As soon as possible, but not later than 24 hours after a notice of award has been dispatched to the contractor, a legible copy of the GAS Form 3471, Bid Abstract, showing the award made shall be furnished to the Business Service Center where it shall be made available for public examination for a minimum period of 30 calendar days.

(b) The abstracting and tabulating of bids normally shall be completed within 24 hours after bid opening and a copy shall be delivered immediately to the appropriate Business Service Center where it shall be made available for public examination for a minimum period of 30 days. Late bids determined eligible for consideration shall be included on the bid abstract form. However, if eligibility is established after delivery of the original tabulation, the bids shall be recorded separately, identified as an amendment to the original tabulation, and delivered to the Business Service Center.

(c) Abstracts shall be annotated with (1) the size of the business (small "S" or large "O"), and (2) the status of the bidder (manufacturer or dealer).

(d) The original of all abstracts or tabulations shall be made a part of the official procurement file.

#### § 5-2.404 Rejection of bids.

##### § 5-2.404-2 Rejection of individual bids (Supplies and services).

(a) Proposed award to other than low offeror. When an award is proposed to other than the low offeror, the responsible contracting officer shall explain the circumstances by using substantially the following format and justify rejection of the low offer either on GSA Form 1535, Recommendation for Award(s) or on a separate sheet.

##### Award to Other than Low Offeror:

- (1) Item number(s) involved;
- (2) Names of low offeror(s) and proposed awardee(s);
- (3) Low and proposed prices:
  - (i) Unit
  - (ii) Totals
- (4) Differences:
  - (i) In total prices
  - (ii) In percent

(5) Explanation: Example, "FPR 1-2.404-2(a). Failure to conform to the essential requirements of the specifications. The deviation is considered unacceptable."

(i) When a proposed rejection is based on failure to meet Qualified Products List (QPL) requirements, the explanation shall include information as to whether the items offered had been tested and approved for inclusion in the QPL as required by the solicitation; whether the item had been submitted for qualification testing; and/or the status of testing, if available.

(ii) Explanations which involve cases of a sensitive or controversial nature shall be accompanied by all supporting documentation to justify awards to other than low offerors, such as copy of the offer to be rejected, statements from (or record of conversation with) the requisitioning activity, plant facilities and/or financial responsibility reports, relevant correspondence or reports, e.g. with the Small Business Administration on Certificates of Competency matters, copies of Congressional correspondence or other high level interest, etc.

(b) Missing pages in bids. When it is found that pages are missing from a bid which is in line for award, action shall be taken in accordance with (1) or (2) of this paragraph, as appropriate.

(1) If a page or pages are missing from the original bid, or from both the original and signed copy of a bid, the contracting officer shall determine whether it is a major defect or if it constitutes a minor informality or irregularity which may be waived under § 1-2.405. The essential test whether such bid may be considered responsive is whether the bidder's intention to be bound by all substantive portions of the solicitation in any resulting contract is evident from the terms of the bid as submitted. For example, when the solicitation portion of SF 33 specifically identifies the number of pages in the solicitation and the bidder has taken no exception to any portion of the solicitation, the signed offer usually should be considered as evidencing the bidder's intention to be bound by all of the substantive terms and conditions of the solicitation. If there is a need for clarification of the bidder's intent after bid opening with regard to a substantive aspect, such irregularity may not be waived and the bid must be rejected as nonresponsive.

(2) If the missing pages are waived, as a minor informality or irregularity, the contractor shall be advised by letter accompanying the award document identifying the missing pages and incorporating them as part of the contract. The letter should caution the contractor that failure to submit all pages of a bid could cause rejection of a bid as nonresponsive in cases when a missing page contained substantive rather than inconsequential material.

#### § 5-2.404-5 All or none qualifications.

The following applies to solicitations for definite quantity and indefinite quantity type contracts.

##### "All or None" Offers

(a) Unless awards in the aggregate are specifically precluded in this solicitation, the Government reserves the right to evaluate offers and make awards on an "all or none" basis as provided below.

(b) (Applicable to definite quantity contracts.) An offer submitted on an "all or none" or similar basis will be evaluated as follows: The lowest acceptable offer exclusive of the "all or none" offer will be selected with respect to each item (or group of items when the solicitation provides for aggregate awards) and the total cost of all items thus determined shall be compared with the total of the lowest acceptable "all or none" offer. Award will be made to result in the lowest total cost to the Government.

(c) (Applicable only to requirements and indefinite quantity contracts.) An offer submitted on an "all or none" or similar basis will not be considered unless the offer is low on each item to which the "all or none" offer is made applicable. The term "each item" as used in this clause refers either to an item that under the terms of the solicitation may be independently awarded, or to a group of items on which an award is to be made in the aggregate.

(End of Provision)

#### § 5-2.404-50 Multiple bidding.

(a) If more than one bid is received from a person or firm, or its affiliates in response to an invitation for bids, such bids shall be considered for award if responsive and otherwise acceptable. If the contracting officer determines that these bids would give such bidders an unfair advantage over other bidders or would otherwise be prejudicial to the best interests of the Government, these bids shall be rejected. See § 5-2.407-6 involving multiple bids which are equal low bids.

(b) If a bidder submits bids on two or more products in response to the same item in an invitation and one of those bids is the lowest received which meets the requirements of the invitation, it may be accepted regardless of whether it is designated by the bidder as an "alternate."

#### § 5-2.404-51 Rejection under subcontractor listing requirements (Construction).

When an invitation for bids contains the Listing of Subcontractors clause prescribed in § 5-2.202-51(g), bids shall be rejected if:

(a) The bidder fails either to name a subcontractor or to list the bidder's own firm for any of the categories included on the list other than a category which

was improperly included under the criteria prescribed.

(b) The bidder lists alternate subcontractors for a category, if alternate listing is authorized, without indicating after each listing the basis upon which each named individual or firm shall be deemed to be the listed subcontractor for that category of the work.

(c) A named subcontractor does not meet the standards of responsibility prescribed in Subpart 1-1.12, unless the contracting officer finds that substitution is justifiable under the conditions prescribed.

(d) An individual or firm named on the list does not meet the specified requirements of an applicable Specialist or Competency of Bidder clause, unless the contracting officer finds that substitution is justifiable under the conditions prescribed, or that the deficiency in qualifications is so minor as not to be considered substantive (e.g., a lack of one month of a required three years, experience).

#### **§ 5-2.406 Mistakes in bids.**

##### **§ 5-2.406-3 Other mistakes disclosed before award.**

(a)(1) The Head of the procuring activity (HPA) is authorized as the central authority to make the administrative determinations permitted in § 1-2.406-3(a) (2), (3), and (4). (See § 1-2.406-3(b)).

(2) The General Counsel, Deputy General Counsel, or an Assistant General Counsel is the approving authority for proposed administrative determinations made by the HPA.

(b)(1) The procuring directors (see § 5-1.250) are authorized to make administrative determinations allowing bids to be withdrawn as permitted in § 1-2.406-3(a) (1) and (3).

(2) For cases arising in the regions, Regional Counsel is the approving authority for proposed determinations made by the procuring directors. For cases arising in the Central Office determinations shall be approved by the appropriate Assistant General Counsel.

(3) Questions arising in these cases shall be forwarded to the HPA for a decision.

(c) All doubtful cases shall be referred to the Comptroller General for an advance decision through the appropriate Assistant General Counsel. (See § 1-2.406-3(3)).

(d) A copy of the administrative determination, including all pertinent data, shall be maintained for 3 years by the office making the administrative determination.

##### **§ 5-2.406-4 Disclosure of mistakes after award.**

(a) Contracting Officers are authorized to make administrative determinations to rescind or reform contracts as permitted in § 1-2.406-4(b) (1) and (2) and under the circumstances set forth in paragraph (c) of this section.

(b) Cases arising in the regions shall be reviewed by the HPA and Regional Counsel who will send them with appropriate recommendations to the appropriate Assistant General Counsel for coordination.

(c) Cases arising in the Central Office shall be reviewed by the HPA and forwarded directly to the appropriate Assistant General Counsel for coordination.

(d) A copy of each determination, including all pertinent data, shall be maintained for 3 years by the office making the determination.

##### **§ 5-2.406-50 Submissions to the Comptroller General.**

(a) Except as provided in (b) of this section, where the General Counsel determines that a case supporting a mistake in bid is sufficiently doubtful, a decision on the matter may be requested from the Comptroller General.

(b) If time is of the essence, a contracting officer may submit cases of mistake in bid alleged prior to award directly to the Comptroller General without a determination by the General Counsel but with the concurrence of legal counsel.

#### **§ 5-2.407 Award.**

##### **§ 5-2.407-1 General.**

(a) Bid acceptance should be accomplished in 30 days or less. However, more than 30 days may be required in certain cases, such as those which involve the evaluation of numerous bids for many items, time-consuming laboratory testing of bid samples, or on-sight inspection of bidder's facilities (see § 5-2.202-4).

(b) Pre-award inquiries from bidders normally shall be directed to the Business Service Center in accordance with § 5-2.408(b).

(1) If the inquiry concerns the status of an award and notice of award has not been issued, the response shall be limited to a statement that final award determination has not been made.

(2) A bidder who is pressing for award status may be advised that award will not be made to that bidder if and when such a conclusion has been reached at the appropriate level required by the GSA Delegations of Authority Manual.

(3) The bidder may also be advised if the case has been referred to the Small Business Administration for

consideration for Certificate of Competency action and the reasons why.

(4) No information shall be furnished concerning the status of a proposed award being processed through GSA approval channels. When pressed for information under these circumstances, bidders shall be advised that our policy and procedures do not permit the release of information about status of awards while they are in process.

(5) Any action or discussion which may create false impressions in the eyes of prospective contractors about any forthcoming award must be avoided.

(c) The following provision shall be included in all invitations for bids:

##### **Award**

Until a formal notice of award is issued, no communication by the Government, whether written or oral, shall be interpreted as a promise that an award will be made.

(End of Provision)

(d) The award date is that date on which the award is mailed, i.e., the bid, acceptance document is actually placed into the mailbox or turned over to the U.S. Postal Service for delivery, or otherwise furnished or communicated to the offeror. If the award is made by telegram, the award date is the date on which the offeror receives the telegraphic communication.

##### **§ 5-2.407-2 Responsible bidder—Reasonableness of price.**

(a) When only one bid is received in response to an invitation for bids, the bid may be considered and accepted if (1) the specifications used in the invitation were not restrictive, (2) adequate competition was solicited, (3) the price is reasonable, and (4) the bid is otherwise consistent with the invitation for bids.

(b) The responsible contracting officer shall document the contract file to the effect that an award to the only offeror is in the best interest of the Government, particularly regarding price reasonableness. The basis for price reasonableness shall be established from data or information which is available to the contracting officer without contacting the offeror. If after examination of all the information sources they are still inadequate, and re-advertising or negotiating with other sources of supply is not feasible, the contracting officer may then contact the offeror to obtain information necessary to establish price reasonableness.

##### **§ 5-2.407-3 Discounts.**

(a) No discount offered for payment within less than 20 days will be considered in evaluating bids for award.

(b) When evaluating bids involving trade-in of old articles, discounts offered shall be computed on the entire purchase price of the new articles without regard to the trade-in allowance for the old articles.

(c) All solicitations for offers shall contain the Prompt Payment Discount clause (§ 5-2.201-56(c)).

**§ 5-2.407-5 Other factors to be considered.**

(a) The cost of contract award and contract administration should be considered in evaluating offers.

(b) Administration costs for issuing and administering separate contracts or purchase orders of small value may at times be greater than savings anticipated by purchasing all items from the lowest bidder. To reduce the incidence of making small awards at net losses to the Government, \$50 shall be added in preaward evaluations as the Government's administrative expense for each separate award which does not exceed \$2,500.

(c) If, according to § 5-2.407-5(c), it is found to be advantageous for the Government to add a small award (\$2,500 or less) to a bidder already in line for award or other item(s), the de facto low bidder shall be advised that an award to him, even though he is the low bidder, would be costlier to the Government than if the award is made to the bidder already in line for other items due to the expense to the Government for administering a separate award. The low bidder may not be interested in receiving only a small part of the items quoted on due to the high administrative expense of filling small orders and would be inclined to agree to forego the small award. Contracting officers shall obtain the offeror's agreement in writing and make it a part of the contract file.

(d) The above procedures do not apply in cases when a separate small award would further procurement objectives with regard to establishing competitive sources on new items for which initial demand is low or unknown, assisting small businesses including minority entrepreneurs, or maintaining bidding opportunities for local suppliers who have previously satisfactorily furnished the items involved.

**§ 5-2.407-6 Equal low bids.**

(a) In breaking a tie of equal low bids, factors qualifying a bidder for priority in award (see § 1-2.407-6) must have existed on the date of bid opening. Certifications which are granted after the bid opening date cannot be applied to breaking an equal low bid tie.

(b) When a bidder has submitted multiple bids which are equal in all respects to other low bids received in response to the same invitation, only one such bid shall be selected by lot to represent the bidder in the award by lot. (See § 1-2.407-6(b).) This will prevent any bidder from gaining an unfair advantage.

**§ 5-2.407-7 Statement and certificate of award.**

A record of the method of purchase and basis for award shall be retained in the file and, in addition to the information required by § 1-2.407-7(b), shall include the number of firms solicited. When contracts are awarded to other than the lowest bidder as to price, the original of each such contract shall contain the symbol "AOLB (Award Other than Low Bidder)" in top margin of the contract form, immediately above the "contract number" block on the form.

**§ 5-2.407-8 Protests against award.**

All protests against award shall be handled in accordance with § 1-2.407-8 and this section.

(a) *Protests lodged with the agency.* Upon the receipt of a written protest, the contracting officer shall assemble the facts, review the protest with assigned counsel, and prepare a written reply to the protester setting forth the contracting officer's final decision. Replies to protests received after award shall be prepared for the signature of the procuring director. When appropriate, concurrence is required from other officials (including members of the contract review committee) who concurred with the contract award involved in the protest.

(b) *Protests lodged with the General Accounting Office (GAO).* Replies to protests lodged with GAO are prepared by the Office of General Counsel. These replies are based on a statement of fact and position prepared by the contracting officer and signed by the procuring directors.

(1) *Submission of statement of fact and position.* Within 6 working days after receipt of the written statement of protest from GAO, the appropriate organizational element shall submit, in triplicate, a properly signed and approved statement of fact and position (with required exhibits) to the Office of General Counsel. Because of the short time frame allowed by GAO (25 working days) for submission of the report, GAO usually informs the appropriate Assistant General Counsel by telephone of protests received or anticipated. This information is relayed immediately to the organizational element directly

concerned. The compilation of facts and documentary evidence shall be started as soon as this informal notification of the protest is received by the organizational element. If the statement cannot be prepared within six working days after receipt by the organizational element, the head of the procuring activity shall be notified in writing (with copy to appropriate Assistant General Counsel) of the reasons for the delay and the projected submission date. After submission of the statement to the Office of General Counsel, the contracting officer shall advise counsel of all new developments which may have a bearing on the case. When further actions are required, the contracting officer shall obtain the advice of assigned counsel.

(2) *Preparation of statement of fact and position.* This statement shall contain the elements set forth in (i) thru (ix) of this paragraph, in addition to the requirements of § 1-2.407-8(a)(2). The contracting officer shall review the statement with assigned counsel prior to submission to the procuring director for signature.

(i) The identity of the GAO protest (if made against a solicitation or award) by B-number (GAO case file number), solicitation number, and contract number (if award has been made).

(ii) The full corporate name of the protesting organization and other firms involved when referenced for the first time in the position statement.

(iii) A statement whether the protest has been filed before or after award. If the protest has been filed after award, identify the awardee, the date of award, and the contract number.

(iv) A statement as to the urgency of need for the award. Indicate to what extent the delay in the award may result in significant supply difficulties and give a date when a determination is required for pending awards. See § 5-2.407-8(b)(4) for action required if award must be made prior to resolution of protests.

(v) The date and time of bid opening (specify if the date of bid opening has been extended by subsequent amendments) and the total number of bidders.

(vi) An accurate, complete, and current statement of facts, in chronological order, of all relevant events and administrative actions taken. Include reasons for the actions taken and cite the authorities under which they were taken.

(vii) Any exhibits and/or documentary evidence, in duplicate, as set forth in FPR 1-2.407-8(a)(2) (i) through (vi). Include any other relevant documents believed helpful in

determining the validity of the protest. (This evidence should be referenced and identified within the text of the position statement, alphabetically or numerically, e.g., Tab A, Exhibit 1, etc.).

(viii) A statement setting forth and answering point by point, if possible, all contentions, allegations, and issues raised by the protester.

(ix) Any comments or legal analysis (including legal precedents or authorities) received from assigned counsel.

(3) *Notifying interested parties.* Upon receipt of the complete written statement of protest from GAO, the contracting officer shall, with the concurrence of the appropriate division of the Office of General Counsel, furnish copies of the protest to the contractor (if award has been made) or all bidders who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied. The covering letter shall advise that views or comments may be submitted to GAO, within 10 working days after receipt, with a copy to the contracting officer. A copy of the reply shall be furnished the Office of General Counsel.

(4) *Awards prior to resolution of protest.* If award must be made prior to final resolution of the protest pursuant to FPR 1-2.407-8(b)(4), a written findings and determination must be prepared by the contracting officer and approved by the head of the Central Office service, or designee, with the concurrence of the Assistant General Counsel. In protests involving regional procurements, the findings and determination shall be reviewed and concurred in by the Regional Counsel prior to being submitted to the head of the Central Office service.

(c) *Protest after award (Construction).*  
(1) When a protest received after award can be resolved at the regional level or the Central Office equivalent, the contracting officer shall ascertain the facts and prepare a reply for signature by the Assistant Regional Administrator, PBS, or by the Assistant Commissioner, Office of Contracts (PP). Each such reply shall be forwarded for concurrence and signature through appropriate legal counsel.

(2) A complete report of all the facts and all pertinent papers relating to protests which cannot be resolved at the regional level, protests to higher authority, and protests to the Comptroller General of the United States, shall be submitted to the Central Office after clearance through regular channels and concurrence by Regional Counsel.

#### § 5-2.407-50 Evaluation of f.o.b. prices.

(a) When an invitation for bids provides for bid prices based on delivery at destination, all bids based on f.o.b. shipping point shall be rejected. If no acceptable bids based on f.o.b. destination are received or if comparison of prices f.o.b. shipping point and f.o.b. destination indicates that readvertisement would be in the best interests of the Government, the requirements should be readvertised and provision made for bidders to bid both f.o.b. shipping point and f.o.b. destination.

(b) When the invitation permits bid prices on an f.o.b. destination basis or an f.o.b. shipping point basis, or both, bids shall be considered and award made on whichever will result in the lowest overall cost to the Government. In such cases, all pertinent factors, including transportation costs and bill of lading preparation and processing costs, shall be considered. If not based on published tariffs, these factors should be based on available information and set forth in the solicitation.

(c) The assistance of traffic management personnel shall be obtained whenever transportation must be considered in evaluating bids.

#### § 5-2.407-51 Disposition of contract documents.

(a) The originals of all rejected bids, related correspondence, and a copy of the abstract of bids shall be retained by the procuring activity for a period of 1 year. They shall then be forwarded to the appropriate administrative activity for processing in accordance with current procedures on retention and disposal of records. These records shall be kept available for inspection by authorized representatives of the General Accounting Office and the Office of Plans, Programs, and Financial Management may be forwarded to them upon request. Copies of rejected bids which are not needed shall be destroyed after award.

(b) Each no-bid response to an invitation for bids (original only) shall be retained by the procuring activity for a period of 3 months after the date of contract award and then destroyed.

#### § 5-2.407-52 Awards involving related cases referred to higher authority.

When a case is to be or has been referred to higher authority for review, any action which might prejudice the freedom of the higher authority to act on that case must be avoided. This includes other awards to the same bidder under the same solicitation.

#### § 5-2.407-53 Extension of time for bid acceptance.

(a)(1) Promptly after bids have been tabulated, except as provided in (2) and (3) of this paragraph, a request for an extension of bid acceptance time shall be sent to each bidder who may be in line for award and whose bid specifies a bid acceptance time which is considered by the contracting officer to be insufficient for proper bid evaluation and award. If later it becomes apparent to the contracting officer that award cannot be made within the specified acceptance time, time extensions shall be requested as necessary. If the case in question has been referred to another organizational element for action, that organizational element shall be notified of any extension obtained and shall be requested to complete its action in time to permit award within the extended time.

(2) A bidder whose bid is determined unacceptable by the contracting officer and assigned legal counsel, shall not be requested or otherwise given an opportunity to extend the time for bid acceptance.

(3) When a special minimum bid acceptance time provision is included in the invitation for bids (see § 5-2.201-55), a bidder, whose bid is nonresponsive because it offers a lesser time for bid acceptance than the minimum specified in the invitation, shall not be given an opportunity to extend the time.

(b) Requests for extension of bid acceptance time shall specify the additional acceptance time desired by the Government and shall be reasonable under the circumstances.

(c) If a bidder does not grant the additional bid acceptance time requested, special action shall be taken to accomplish acceptance of the bid within the time allowed by the bidder (see § 5-2.407-1). Should it be advisable to permit the bid to expire, the contracting officer shall promptly, before the expiration of the bid, refer the case to the appropriate division director for decision.

(d) Appropriate legal counsel shall be consulted before an award is made when the acceptance time of an otherwise acceptable bid has expired.

#### § 5-2.407-56 Forms for recommending award(s) (Supplies and services).

(a) GSA Form 1535, Recommendation for Award(s), and GSA Form 1535-A, Recommendation for Award(s), Continuation Sheet, shall be used to document all proposed awards of more than \$10,000 whether resulting from advertised or negotiated procurements. The use of the form for awards of

\$10,000 or less is at the discretion of the procuring activity. One or more awards may be set forth on each form. All information pertinent to the recommendation shall be furnished on the form. The checklist on the back of the form shall be completed. The forms shall be prepared as instructed in §5-16.950-1535-1.

(b) GSA Form 1447, Procurement Case Summary, shall be used to detail the analyses of procurements which require concurrence or approval in accordance with the GSA Delegations of Authority Manual, (ADM P 5450.39A, or FSS P 5450.21).

**§ 5-2.407-57 Preparation of documents for acceptance.**

The acceptance of an offer received on SF 33, Solicitation, Offer, and Award, shall be as follows:

(a) *Definite-quantity contracts.* (1) *Single consignee.* When only one consignee is involved, notice of award of contract shall be documented on either Standard Form 33, (Award portion accomplished) or on an appropriate purchase order form, as determined by the procuring activity.

(i) When Standard Form 33 is used, the award portion on both the original and duplicate copies of the accepted offer shall be completed. The original contract shall be retained by the Government and the duplicate copy furnished to the contractor. A purchase (delivery) order also must be issued to provide shipping instructions and necessary information copies to others concerned.

(ii) When a purchase order form is used, enter substantially the following: "Your offer on solicitation No. \_\_\_\_\_ is accepted for items listed herein." Under this procedure, the original contract consists of the original bid signed by the contractor and the paying office copy of the purchase order, signed by the contracting officer. The contractor's copy of the contract consists of his retained copy of the bid and the original purchase order, signed by the contracting officer.

(2) *Multiple consignees.* Award on Standard Form 26, Award/Contract normally is advantageous for contracts involving more than one consignee. However, when numerous items on a single invitation for bids are awarded to one contractor, completion of the Award portion of Standard Form 33 may be more advantageous. Either method of documenting the award is authorized.

(b) *Indefinite quantity contracts.* Awards for indefinite quantity contracts may be documented on either Standard Form 26 or Standard Form 33. "Indefinite" shall be entered in the

spaces provided for entering the quantity and dollar amount of such awards.

**§ 5-2.407-58 Notification of contract award.**

(a) *General.* Successful bidders shall be notified of award by furnishing to such bidders, within the time specified for bid acceptance, documents prepared in accordance with § 5-2.407-57. Bids specifying a certain number of days for acceptance may be accepted any time before midnight of the last day. For definition of what constitutes the actual award date, see § 5-2.407-1(d).

(b) *Evidence of time of receipt.* See 1-1.316-4(e) and § 5-1.316-4.

(c) *Postaward orientation conferences.* For instructions on this subject, see Subparts 1-1.18 and 5-1.18.

**§ 5-2.407-59 Notification of proposed substantial awards and awards involving Congressional interest.**

(a) *Applicability.* This section applies to notification of proposed awards resulting from either advertised or negotiated solicitations, including modifications and renewals; when the dollar value exceeds or is estimated to exceed \$250,000, except as shown in (b) of this section; and when there is Congressional interest regardless of dollar value.

(1) When Congressional interest is involved, GSA Form 2932, Proposed Substantial Contract Awards or a facsimile message shall be prepared for transmittal to the Director of Congressional Affairs (AG) containing the following information:

"Congressional Interest—(Name of Congressman or Senator)—(State)—Control No. \_\_\_\_\_—In behalf of (Name of firm and complete address)—If award is not proposed to that bidder, explain why \_\_\_\_\_."

(2) In addition to the requirement in (a)(1) above, (and in OAD 5410.1, chap. 5), when a Congressional inquiry is made orally with a contracting officer, and award or other information has been promised to a Congressman or Senator, GSA Form 2932, or the facsimile message shall contain the following statement:

Unless notified to the contrary, we will assume that the (Congressman or Senator) has been advised by AG.

(b) Notification of proposed awards exceeding or estimated to exceed \$250,000 is not required for products whose points of origin are not readily identifiable or which involve foreign production points.

(c) *Codes.* The following codes shall be used in the appropriate columns of

GSA Form 2932 or in the facsimile message, as applicable.

(1) *DQ* for definite quantity contract;  
(2) *FSS* for Federal Supply Schedule contract;

(3) *TC* for term contract other than Federal Supply Schedule;

(4) *S* for small business concern;

(5) *O* for other than a small business concern;

(6) *NLS* for not labor surplus area; and

(7) *LS* for labor surplus area.

(d) *Notification procedure.*

(1) The director of the procurement activity (central office or regional office) shall be responsible for submitting directly to the Director of Congressional Affairs (AG) complete and factual data pertinent to any proposed award of the type described in paragraph (a) of this section.

(2) Regional offices (except Region W) shall prepare GSA Form 2932 and transmit the notification directly to the Director of Congressional Affairs (AG), by facsimile machine except as shown in paragraph (d)(4) of this section.

(3) Central Office and Region W procurement activities shall prepare GSA Form 2932 and transmit the notification (original only) directly to the Director of Congressional Affairs (AG). The notification(s) shall be placed in a messenger envelope and addressed as follows: PLEASE HAND-CARRY Attention: AG, GS Bldg.

(4) The following additional information shall be furnished on the GSA Form 2932 as applicable.

(i) Under Type of Contract insert "A" for advertised and "N" for negotiated, including the applicable negotiation authority in parentheses; i.e., N(2) for negotiated public exigency.

(ii) Under Point of Production show the name (plant or operational unit), address (including county), and the dollar value for each production point. When the name of the supplier (subcontractor) is different from the contractor, show the supplier's or subcontractor's name, address (including county), and applicable dollar value for each point of production. When the offer does not clearly indicate a specific production point for the item(s); i.e., several sources shown for one item, the word "undeterminable" shall be stated in the Point of Production column, and the various production points (name, address, and county) will be listed. When there are multiple production points and specific items and their points of production are not shown, or when the number of production points exceed 10, show the word multiple and indicate immediately after,

in parentheses, the total number of production points.

(iii) For definite quantity awards, show (A) the quantity and unit, in parentheses, under each production point, (B) the name of the requisition activity next to the applicable quantity, and (C) the requirement or portion thereof for overseas use.

(iv) The contracting officer's name and telephone number shall be typed or printed at the bottom of each report in the event additional information is required by the Director of Congressional Affairs (AG).

(e) *Release of awards.* (1) Unless notified to the contrary, commodity centers and regional and Central Office procurement activities may release awards of the type described in (d)(2) and (3) of this section, or information pertinent thereto, upon the expiration of 2 full workdays (48 hours) after the time and date of transmittal of the GSA Form 2932 or the facsimile message to the Director of Congressional Affairs (AG).

(2) Preaward inquiries from offerors shall be processed in accordance with § 5-2.407-1(b).

(f) Proposed exigency or emergency awards and cases when the acceptance time in an offer is about to expire.

(1) The procurement activities shall transmit notifications as determined by their director (or equivalent) directly to the Director of Congressional Affairs (AG), by telephone, followed by a completed GSA Form 2932 to confirm the oral notification.

(2) Release of notifications which require priority processing by the Director of Congressional Affairs (AG), shall be completed at the time and date specified by AG.

#### § 5-2.407-60 Erroneous award to higher bidder.

When an award is erroneously made to other than the low responsive, responsible bidder, the contracting officer shall determine, in conjunction with the Office of Engineering and Technical Management, the extent of contract performance (including deliveries made, if any) and advise the assigned counsel and those officials who concurred in the contract award. If necessary, the low bidder shall be requested to extend the bid acceptance time. Depending upon the extent of performance and advice of assigned counsel, the contracting officer shall then proceed as follows:

(a) *No deliveries made.* Advise the contractor of the error and request a contract cancellation at no cost to either party. If the contractor does not consent to the no cost cancellation, the contracting officer should consider

requesting in writing that contract performance be suspended pending further notification. The contracting officer should bear in mind, however, that such a suspension may give rise to a claim by the contractor under the Contract Disputes Act of 1978. The case shall then be reviewed with assigned counsel to determine whether termination for convenience is warranted. Some factors to be considered in this determination are the dollar amount of the contract; the expenses incurred by the contractor (e.g. cost of raw materials); the need for the supplies/services; the additional amount the Government will pay if the contract is not terminated; whether a bid option still exists with the low bidder; and the extent of available competition. The determination to terminate the contract for convenience or to authorize the contractor to continue contract performance shall be concurred in by the procuring director.

(b) *Partial deliveries made.* Advise the contractor of the error and request contract cancellation of the undelivered orders at no cost to either party. If the contractor does not consent to the no cost cancellation, proceed in accordance with (a) of this section. If the final decision changes the contractual relationship, the appropriate accounts payable branch shall be advised accordingly in writing.

(c) *Deliveries completed.* Determine from the Office of Finance if payment has been completed and consult with assigned counsel as to necessary action.

(d) *Replacement of supplies/services.* Requirements for supplies or services covered by the cancellation (or termination) of an erroneously awarded contract shall be validated prior to award to the lowest responsive, responsible bidder. If the bid acceptance time of the lowest responsive, responsible bidder has expired, the canceled/terminated requirements shall, after validation, be obtained by readvertisement or negotiation (if the circumstances warrant).

#### § 5-2.408 Information to bidders.

(a) When considering whether to provide notice to other unsuccessful bidders (see § 1-2.408(a)(3)) contracting officers shall consider the following factors:

- (1) Size of the particular procurement;
- (2) Number of items and the complexity of the invitation;
- (3) Number of bids received;
- (4) Necessity for bidders to make arrangements for securing necessary materials, financing, bonding, and other commitments;

(5) Whether procurement of the particular commodity would have any significant impact upon other bidders; and

(6) Availability of the information in Business Service Centers, the Department of Commerce Synopsis, and from any other sources available to anyone having an interest in such information.

(b) Normally, all inquiries whether oral or written, requesting information concerning the status of any bid or invitation for bids, including those not yet publicly opened, those already opened, and those for which abstracts have been prepared, shall be referred to the appropriate Business Service Center for reply.

#### § 5-2.408-50 Restriction on disclosure of inspection or test data.

(a) No inspection or test data generated in the process of bid evaluation shall be disclosed except as provided in this subsection. This includes information obtained from inspection or test reports whether prepared by the Government or an outside inspection or testing agency.

(b) Prior to award, no information regarding inspection or test data shall be disclosed to any bidder or individual except Government officials or employees required to have access to such information in connection with bid evaluation and determination of award.

(c) In providing notice of the rejection of a bid, the contracting officer shall (1) inform the bidder concerning the results of tests on the products offered and (2) furnish such information to others in accordance with the Freedom of Information Act (See FPMR § 105-60.)

#### § 5-2.450 Advance notices of contract award (Construction).

Advance notices of award shall be in writing over the signature of the contracting officer except as otherwise authorized. When an advance notice of award is issued, it shall be followed as soon as possible by the formal contract document.

#### § 5-2.450-1 Circumstances which warrant advance notice.

Advance notices of contract award may be issued by contracting officers under any of the circumstances listed below:

(a) A bid or offer is about to expire and it is necessary to issue an award notice promptly.

(b) Prompt action is necessary to afford the contractor an opportunity to secure necessary materials.



(c) Delivery or performance is urgent and cannot await release of formal contract documents.

(d) The contract involves work of an urgent nature and it is essential that the contractor rush all preliminaries prior to actual starting of work.

(e) Prompt action is necessary to secure advance predelivery samples on contracts.

(f) A prospective contractor requests advice, orally or in writing, as to whether he is to receive the award, and gives sufficient reasons, to the satisfaction of the contracting officer, why advance notice is desirable.

(g) Other compelling circumstances exist and advance notice is concurred in by the head of the procuring activity.

#### § 5-2.450-2 Telegraphic notices.

When justified by the circumstances of § 5-2.450-1, telegraphic notice may be used. The notice shall contain, in addition to the requirements set forth in § 5-2.450-4, a statement that written confirmation will follow. Such confirmation shall be issued without delay.

#### § 5-2.450-3 Oral notices.

Oral notices shall not be used.

#### § 5-2.450-4 Content of notices.

The content of advance notices of award may vary, but the notices shall include all of the essential elements to identify the award, such as: identification of invitation, description of the procurement, and the contract number. No language shall be used which might in any way vary from the terms of the offer.

### CHAPTER 5A—GENERAL SERVICES ADMINISTRATION

[APD 2800.3 CHGE 34]

#### PART 5A-2 [REMOVED]

1. 41 CFR is amended by removing Part 5A-2 Procurement by Formal Advertising.

### CHAPTER 5B—GENERAL SERVICES ADMINISTRATION

[APD 2800.4 CHGE 15]

#### PARTS 5B-2 AND 5B-4 [REMOVED]

1. 41 CFR is amended by removing Part 5B-2 Procurement by Formal Advertising and Part 5B-4 Special Types and Methods of Procurement.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: June 25, 1982.

Philip G. Read,  
Acting Assistant Administrator for  
Acquisition Policy.

[FR Doc. 82-17942 Filed 6-30-82; 8:45 am]

BILLING CODE 6820-61-M

## 41 CFR Part 5-16

### Procurement Forms; Transfer of Provisions

**AGENCY:** General Services Administration.

**ACTION:** Final rule.

**SUMMARY:** The General Services Procurement Regulations, Chapter 5, are amended by transferring revised policies and procedures concerning Procurement Forms from Chapters 5A and 5B into Chapter 5. The intended effect is to have a single GSA-wide procurement regulation and improve the procurement system.

**EFFECTIVE DATE:** July 30, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202-523-4755).

#### List of Subjects in 41 CFR Part 5-16

Government procurement,  
Procurement forms.

### CHAPTER 5—GENERAL SERVICES ADMINISTRATION

[APD 2800.2 CHGE 24]

1. The table of contents for Part 5-16 is amended to add the following:

## PART 5-16 PROCUREMENT FORMS

### Subpart 5-16.0—General

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|------------|--|
| Sec.       |  |
| 5-16.000   | Scope of subpart.                        |
| 5-16.001   | Deviations to prescribed forms.          |
| 5-16.002   | Optional-use forms.                      |
| 5-16.003   | Forms containing clauses.                |
| 5-16.003-1 | Meaning of terms.                        |
| 5-16.003-2 | Authority to establish forms.            |
| 5-16.003-3 | [Reserved]                               |
| 5-16.003-4 | Coordination.                            |
| 5-16.003-5 | Forms incorporated by reference.         |
| 5-16.004   | Responsibility for maintenance of forms. |

### Subpart 5-16.1—Forms for Advertised Supply Contracts

- |          |   |
|----------|---|
| 5-16.101 | Contract forms.   |
| 5-16.105 | Incorporation of Standard Forms 32 and 33-A by reference. |
| 5-16.150 | Miscellaneous forms.                                      |

### Subpart 5-16.4—Forms for Advertised Construction Contracts

- |          |                       |
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| 5-16.401 | Forms prescribed.     |
| 5-16.450 | Negotiated contracts. |

### Subpart 5-16.7—Forms for Negotiated Architect-Engineer Contracts

- |          |                   |
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| 5-16.701 | Forms prescribed. |
|----------|-------------------|

### Subpart 5-16.9—Illustrations of Forms

- |                |   |
|----------------|---|
| 5-16.900       | General.  |
| 5-16.900-1     | Forms illustrated.  |
| 5-16.900-2     | Numbering of sections.  |
| 5-16.900-3     | Cross-references.   |
| 5-16.901       | Standard forms.   |
| 5-16.901-19    | Standard Form 19 (GSA Overprint—November 1974), Invitation, Bid, and Award (Construction, Alteration or Repair).                                    |
| 5-16.901-20    | Standard Form 20 (GSA Overprint—June 1972), Invitation for Bids (Construction Contract).  |
| 5-16.901-30-I  | Instructions for completing Standard Form 30, Amendment of Solicitation/Modification of Contract.   |
| 5-16.901-98    | Standard Form 98, Notice of Intention to Make a Service Contract and Response to Notice.  |
| 5-16.901-98a   | Standard Form 98a, Notice of Intention to Make a Service Contract and Response to Notice (Attachment A).  |
| 5-16.901-99    | Standard Form 99, Notice of Award of Contract.  |
| 5-16.950       | GSA forms.  |
| 5-16.950-72-A  | GSA Form 72-A, General Services Administration Contractor's Report of Orders Received.  |
| 5-16.950-289   | GSA Form 289, Abstract of Bids.   |
| 5-16.950-289a  | GSA Form 289a, Abstract of Bids (Continued).  |
| 5-16.950-300   | GSA Form 300, Order for Supplies or Services.   |
| 5-16.950-300-A | GSA Form 300-A, Order for Supplies or Services (Continuation).  |
| 5-16.950-353   | GSA Form 353, Plant Facilities Report.  |
| 5-16.950-434   | GSA Form 434, Sample Record Sheet.  |
| 5-16.950-527   | GSA Form 527, Contractor's Qualifications and Financial Information.  |
| 5-16.950-618-A | GSA Form 618-A, Form letter for informing contractor of labor standards provisions.   |
| 5-16.950-618-D | GSA Form 618-D, Statement to be Submitted When Work is Performed Personally.  |
| 5-16.950-894   | GSA Form 894, Financial Responsibility—Inquiry and Reply.   |
| 5-16.950-1015  | GSA Form 1015, Instructions to Contractors (Construction Contract), Data Required to Substantiate Equitable Adjustments of Time and Time Extension. |
| 5-16.950-1056  | GSA Form 1056, Notice of Shipment.  |
| 5-16.950-1083  | GSA Form 1083, Section 0020, Applicable Minimum Hourly Rates of Wages.  |
| 5-16.950-1137  | GSA Form 1137, Request, Proposal, and Acceptance Covering Construction Contract Modification.   |
| 5-16.950-1139  | GSA Form 1139, Section 00100, General Conditions.   |
| 5-16.950-1142  | GSA Form 1142, Release of Claims.   |
| 5-16.950-1171  | GSA Form 1171, Application for Presenting New Articles.   |

Sec.  
 5-16.950-1447 GSA Form 1447, Procurement Case Summary.  
 5-16.950-1467 GSA Form 1467, Solicitation, Offer, and Award (Contract for Building Services).  
 5-16.950-1467-A GSA Form 1467-A, Solicitation Instructions and Conditions, (Contract for Building Services).  
 5-16.950-1468 GSA Form 1468, General Provisions (Contract for Building Services).  
 5-16.950-1495 GSA Form 1495, Special Provisions (Architect-Engineer Contract).  
 5-16.950-1535 GSA Form 1535, Recommendation for Award(s).  
 5-16.950-1535-A GSA Form 1535-A, Recommendation for Award(s) (Continuation).  
 5-16.950-1535-I Instructions for completing GSA Form 1535, Recommendation for Award(s).  
 5-16.950-1584 GSA Form 1584, Contract Summary.  
 5-16.950-1584-A GSA Form 1584-A, Contract Summary—Continuation Sheet.  
 5-16.950-1584-I Instructions for completing GSA Form 1584, Contract Summary.  
 5-16.950-1602 GSA Form 1602, Notice Concerning Your Solicitation For Offers.  
 5-16.950-1678 GSA Form 1678, Status Report of Orders and Shipments.  
 5-16.950-1720 GSA Form 1720, Request for Release of Classified Information to U.S. Industry.  
 5-16.950-1747 GSA Form 1747, Amendment to Bid Documents (Construction Contract).  
 5-16.950-1747-I Instructions for use with GSA Form 1747, Amendment to Bid Documents (Construction Contract).  
 5-16.950-1747-A GSA Form 1747-A, Final Clarifications to Bid Documents (Construction Contract).  
 5-16.950-1774 GSA Form 1774, Request for Additional Funds and/or Information.  
 5-16.950-1954 GSA Form 1954, Architect-Engineer Performance Record.  
 5-16.950-1995 GSA Form 1995, Return of Payroll Document for Correction.  
 5-16.950-2049 GSA Form 2049, Contractor's Certificate of Conformance.  
 5-16.950-2056 GSA Form 2056, Pre-Invitation Notice (Construction Contract).  
 5-16.950-2056-I Instructions for use with GSA Form 2056, Pre-Invitation Notice (Construction Contract).  
 5-16.950-2097 GSA Form 2097, Offer and Acceptance—Small Purchase.  
 5-16.950-2402 GSA Form 2402, Form letter for notifying contractor of action taken on shop drawing submittals.  
 5-16.950-2417 GSA Form 2417, Notice to Proceed.  
 5-16.950-2419 GSA Form 2419, Certification of Payment to Subcontractors and Suppliers.  
 5-16.950-2428 GSA Form 2428, Request for Authorization of Additional Classification(s), Rate(s), and Fringe Benefit(s).  
 5-16.950-2465 GSA Form 2465, Notice of Appeal.  
 5-16.950-2497 GSA Form 2497, Contractual Document Transmittal Receipt.  
 5-16.950-2630 GSA Form 2630, Architect-Engineer Cost Estimate.

Sec.  
 5-16.950-2631 GSA Form 2631, Architect-Engineer Cost Estimate Summary.  
 5-16.950-2728 GSA Form 2728, Procurement Contract Register.  
 5-16.950-2932 GSA Form 2932, Proposed Substantial Contract Awards.  
 5-16.950-2967 GSA Form 2967, Request for Specification and/or Purchase Description Action.  
 5-16.950-3025 GSA Form 3025, NEAR Receiving Report.  
 5-16.950-3184 GSA Form 3184, GSA Stock Item Direct Delivery Order.  
 5-16.950-3186 GSA Form 3186, Order for Supplies or Services.  
 5-16.950-3188 GSA Form 3188, Request for Quotation.  
 5-16.950-3433 GSA Form 3433, Marking and Shipping Instructions.  
 5-16.950-3471 GSA Form 3471, Bid Abstract.  
 5-16.950-6220 GSA Form 6220, Introductory Contractor's Record.  
 5-16.950-6477 GSA Form 6477, New Item Applications Summary.  
 5-16.951 Department of Defense forms.  
 5-16.951-254 DD Form 254, Contract Security Classification Specification.  
 5-16.954 Department of Labor forms.  
 5-16.954-347 DL Form WH 347, Payroll (For Contractor's Optional Use).  
 5-16.954-347-I DL Form WH 347-Inst., Instructions for completing Payroll Form WH 347.  
 5-16.954-1313 DL WH Publication 1313, Notice to Employees Working on Government Contracts.  
 (Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

2. 41 CFR Chapter 5 is amended by adding a new Part 5-16 reading as follows:

## PART 5-16—PROCUREMENT FORMS

### § 5-16.000 Scope of subpart.

This subpart deals with matters which are generally applicable to forms referenced in this Chapter 5, and sets forth guidelines concerning the development and use by GSA procuring activities of forms not prescribed herein.

### § 5-16.001 Deviations to prescribed forms.

Requests for deviations requiring the approval of the Assistant Administrator for Acquisition Policy (see § 5-1.109(b)(3)) shall be submitted through the Director, Office of Federal Procurement Regulations.

### § 5-16.002 Optional-use forms.

When this Chapter 5 is the prescribing directive of a form authorized for use on an optional basis, the establishment of a form serving substantially the same purpose is not permitted without prior concurrence by the Office of Federal Procurement Regulations. See also the HB, Ch. 2 (OAD P 1824.4A), GSA Forms Management Program, concerning restrictions on the issuance of similar forms.

## § 5-16.003 Forms containing clauses.

### § 5-16.003-1 Meaning of terms.

As used in this § 5-16.003, the word "clauses" means articles referred to in this or other regulations as notices, terms, conditions, provisions, or clauses for inclusion in either a solicitation or contract, and the word "contract" includes both solicitations and contracts.

### § 5-16.003-2 Authority to establish forms.

The Commissioners of the various GSA services are authorized to establish and prescribe the use of GSA forms containing contract clauses (supplementing prescribed standard forms) for attachment to or incorporation by reference in contracts. This authority may be delegated to an official not below the level of Assistant Commissioner or equivalent.

### § 5-16.003-3 [Reserved]

### § 5-16.003-4 Coordination.

Before issuing a new or revised form containing clauses, a copy of the proposed form shall be submitted to the Office of Federal Procurement Regulations for review and concurrence. The originating service will be advised of any imminent changes to FPR or GSPR 5 clauses contained in the form so that this aspect may be taken into consideration.

### § 5-16.003-5 Forms incorporated by reference.

(a) Forms containing clauses usually shall not be incorporated by reference in contracts until a copy of the form has been distributed to all prospective offerors on the applicable bidders mailing list with a request that the form be retained for future reference. Copies of forms shall also be forwarded to GSA Business Service Centers.

(b) A clause substantially as follows shall be used with respect to forms which are not referenced elsewhere in the contract.

#### Incorporation of Forms

Each of the following forms, receipt of which is acknowledged by the offeror, is hereby incorporated by reference and made a part of this solicitation. Copies of each form, if not enclosed, are available upon request from the issuing office shown in this solicitation or from any General Services Administration Business Service Center.

(Include a listing of appropriate forms and the current edition date of each).

### § 5-16.004 Responsibility for maintenance of forms.

The following applies to GSA forms except those originated by activities which provide administrative or



technical support to all GSA procuring activities (e.g., forms originated by B, X, Z, FQ, and FRE).

(a) As used in this § 5-16.004, the word "maintenance" means the processing of a new or revised form, including coordination with all interested GSA activities (including VR), and the preparation of camera copy, up to the point of issuing a GSPR 5 change publishing the form in this regulation.

(b) If, on the basis of the prescriptive language set forth in this GSPR 5, two or more GSA services are required to use a specified GSA form, the Office of Federal Procurement Regulations shall be responsible for maintenance of the form.

(c) When a GSA form prescribed by this GSPR 5 is required to be used by a particular GSA service (or, the form is required to be used in connection with a purchase program which is managed by a particular service), that service shall be responsible for maintenance of the form.

(d) When a GSA form originated by a service is authorized for use on an optional basis, that service shall retain responsibility for maintenance of the form, notwithstanding that the form may be appropriate for use by other services.

#### § 5-16.101 Contract forms.

(a) *Standard Form 33, Solicitation, Offer, and Award.*

(1) The space shown as the "schedule" on page 1 of SF 33 shall be used to (i) identify the type of contract (i.e., requirements, definite quantity, etc.), (ii) include a description of the supplies or services being procured, and (iii) show the period of the contract, if applicable. In addition, when page 4 of SF 33 is not used to list the items being procured, insert the words "Item Listing Begins on Page \_\_\_\_."

(2) When preparing draft solicitations for printing, page 4 of SF 33 shall not be reproduced or used as a part of the item listing (see exception). Instead, solicitation clauses shall begin on page 4, typed on a blank page, and printed front-and-back with page 3 of SF 33. The item listing shall follow the pages containing contract clauses. An exception to this requirement may be made when the entire item listing can be included on one page, i.e., on page 4 of SF 33.

(b) *Standard Form 36, Continuation Sheet.* (1) Section 1-16.101(f) provides that when the columns on SF 36 are not required, a blank sheet may be used if properly identified. For many procurements, particularly requirements-type contracts, columns more than those shown on SF 36 are needed. Consequently, GSA forms

containing appropriate columns may be developed for use, or item listing formats may be typed on blank pages, with or without ruled columns.

(2) When SF 36 is used, the "Amount" column shall be shown as not applicable, to avoid problems resulting from possible discrepancies between the unit price and the total price.

#### § 5-16.105 Incorporation of Standard Forms 32 and 33-A.

The Commissioner of each GSA service shall designate an office responsible for distributing copies of new editions of SF 32 and SF 33-A in accordance with § 1-16.105.

#### § 5-16.150 Miscellaneous forms.

GSA Form 1602, Notice Concerning Your Solicitation For Offers, may be used to: (1) Direct the attention of prospective offerors to special requirements which, if overlooked, may result in rejection of the offer; (2) highlight significant changes from previous solicitations covering the same commodity or service; and (3) include other special notices.

#### § 5-16.401 Forms prescribed.

In addition to forms prescribed in Subpart 1-16.4 and elsewhere in this GSPR 5, the following forms are prescribed for use as indicated in connection with advertised construction contracts.

(a) *Standard forms (GSA overprints).*

(1) Standard Form 19 (GSA Overprint), Invitation, Bid, and Award (Construction, Alteration or Repair), shall be used in contracts estimated not to exceed \$10,000.

(2) Standard Form 20 (GSA Overprint), Invitation for Bids (Construction Contract), shall be used in contracts estimated to exceed \$10,000.

(b) *GSA forms.* (1) GSA Form 1015, Instructions to Contractors (Construction Contract), Data Required to Substantiate Equitable Adjustments of Time and Time Extensions.

(2) GSA Form 1083, Section 0020, Applicable Minimum Hourly Rates of Wages.

(3) GSA Form 1137, Request, Proposal, and Acceptance Covering Construction Contract Modification.

(4) GSA Form 1139, Section 00100, General Conditions.

(5) GSA Form 1142, Release of Claims.

(6) GSA Form 2402, Form letter for notifying contractor of action taken on shop drawing submittals.

(7) GSA Form 2417, Notice to Proceed.

(8) GSA Form 2419, Certification of Payment to Subcontractors and Suppliers.

(c) *Other agency forms.* Department of Labor Form, WLSA (WD)-1, Decision of the Secretary, is for use with contracts exceeding \$2,000.

#### § 5-16.450 Negotiated contracts.

The forms prescribed in § 5-16.401 for mandatory use in advertised construction contracts shall also be used in connection with negotiated contracts when applicable.

#### § 5-16.701 Forms prescribed.

The following GSA forms are prescribed for use in connection with negotiated architect-engineer contracts.

(a) GSA Form 1495, Special Provisions (Architect-Engineer Contract).

(b) GSA Form 2630 Architect-Engineer Cost Estimate.

(c) GSA Form 2631, Architect-Engineer Cost Estimate Summary.

#### § 5-16.900 General.

##### § 5-16.900-1 Forms illustrated.

This subpart contains illustrations of:

(a) Forms prescribed for use by this GSPR 5;

(b) GSA Forms referenced in this GSPR 5 which are authorized for use on an optional basis; and

(c) Selected forms referenced in this GSPR 5 which are prescribed for use in other directives not readily available to procurement personnel.

##### § 5-16.900-2 Numbering of sections.

(a) Different section numbers are used in connection with standard forms, GSA forms, and forms issued by other agencies (i.e., §§ 5-16.901, 5-16.950, and 5-16.951 et seq., respectively). Subsection numbers correspond with the number of the form being illustrated.

(b) In some cases, instructions regarding the completion and/or use of a form are included in conjunction with the illustration. These instructions are identified by the addition of the suffix "I" following the subsection number.

##### § 5-16.900-3 Cross-references.

A cross-reference is shown in conjunction with each of the forms illustrated in this Subpart 5-16.9. These references identify significant regulatory provisions regarding use of the forms.

**Note.**—The forms illustrated in this Part 5-16 is filed with the original document and does not appear in this issue.

### CHAPTER 5A—OFFICE OF ACQUISITION POLICY, GENERAL SERVICES ADMINISTRATION

#### [APD 2800.3 CHGE 35]

1. 41 CFR is amended by removing Part 5A-16 as follows:

**PART 5-16—[REMOVED]****CHAPTER 5B—OFFICE OF ACQUISITION  
POLICY, GENERAL SERVICES  
ADMINISTRATION****[APD 2800.4 CHGE 16]**

1. 41 CFR is amended by removing Part 5B-16 as follows:

**PART 5B-16—[REMOVED]**

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: June 29, 1982.

William B. Ferguson,  
Acting Assistant Administrator for  
Acquisition Policy.

[FR Doc. 82-18052 Filed 6-30-82; 8:45 am]

BILLING CODE 6820-61-M

**41 CFR Parts 5A-71, 5A-72, 5A-74, and  
5A-76****[APD 2800.3 CHGE 36]****Deletion of 41 CFR Parts 5A-71, 5A-72,  
5A-74, and 5A-76**

**AGENCY:** General Services  
Administration.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration Procurement Regulations, Chapter 5A, are amended to delete Parts 5A-71, 5A-72, 5A-74, and 5A-76. This change is part of project to have one procurement regulation for GSA. The intended effect of this change is to improve the procurement system.

**EFFECTIVE DATE:** July 30, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy, (202) 523-4755.

**List of Subjects****41 CFR Part 5A-71**

Government procurement and nonstock/nonschedule procurements.

**41 CFR Part 5A-72**

Government procurement, Stock items, Self-service stores.

**41 CFR Part 5A-74**

Government procurement, Overseas supply support program.

**41 CFR Part 5A-76**

Government procurement.

1. 41 CFR Part 5A-71 is removed as follows:

**PART 5A-71—[REMOVED]**

2. 41 CFR Part 5A-72 is removed as follows:

**PART 5A-72—[REMOVED]**

3. 41 CFR Part 5A-74 is removed as follows:

**PART 5A-74—[REMOVED]**

4. 41 CFR Part 5A-76 is removed as follows:

**PART 5A-76—[REMOVED]**

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: June 29, 1982.

William B. Ferguson,  
Acting Assistant Administrator for  
Acquisition Policy.

[FR Doc. 82-18052 Filed 6-30-82; 8:45 am]

BILLING CODE 6820-61-M

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES****Public Health Service****42 CFR Part 122****Governing Body Requirements for  
Health Systems Agencies**

**AGENCY:** Public Health Service, HHS.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the portion of the Health Systems Agency Designation and Funding Regulation (March 26, 1976) prescribing the composition of health systems agency governing bodies and deletes the subsection of that regulation which limits the number of consecutive years a governing body member may serve. This rule is being issued pursuant to a court order.

**EFFECTIVE DATE:** This rule is effective on July 1, 1982. However, for timing of HSA compliance with § 122.109(b) as revised, see discussion below.

**FOR FURTHER INFORMATION CONTACT:**

Mr. James W. O'Donnell, Acting Director, Division of Planning, Assistance and Assessment, 3700 East-West Highway, Room 6-27, Hyattsville, Maryland 20782, (301) 436-6725.

**SUPPLEMENTARY INFORMATION:** This rule is being issued pursuant to an Order of the U.S. District Court for the Northern District of Georgia dated March 9, 1982, in the case of *Rakestraw, et al. v. Schweiker*, No. C 77-635A, directing the Secretary to promulgate final regulations on the composition of governing bodies of health systems agencies (HSAs) by July 1, 1982.

In a Notice of Proposed Rule Making (NPRM) issued on January 22, 1981 (46 FR 7166), the Assistant Secretary for Health, with the approval of the Secretary of Health and Human

Services, proposed to revise Part 122 of Title 42 CFR, the regulations pertaining to HSAs, in a number of respects. The proposal was intended to reflect certain amendments made by the Health Planning and Resources Development Amendments of 1979 (Pub. L. 96-79) to Title XV of the Public Health Service Act ("the Act"). As the preamble of the January 22, 1981 NPRM indicated, an earlier NPRM on the same subject had been published on May 26, 1978 (43 FR 22858). Final publication of those earlier proposed regulations had been delayed awaiting Congressional action which culminated in the enactment on October 4, 1979 of Pub. L. 96-79. This legislation contained significant amendments to those portions of the Act relating to the composition, method of selection, and responsibilities of the governing bodies of HSAs. Those amendments were reflected in the January 22, 1981 NPRM.

Since publication of the January 1981 NPRM, there have been two conflicting developments bearing on the final publication of those proposed regulations:

1. The new Administration proposed to the Congress that Federal funding for HSAs be cut sharply in fiscal year (FY) 1982 and eliminated altogether in FY 1983. Although the ultimate fate of the program is still undetermined (under the present statute the appropriation authorization expires on September 30, 1982). Congress has reduced the appropriation for grants to HSAs from \$124.7 million in FY 1980, to \$83.7 million in FY 1981, to \$37.7 million in FY 1982. Under these circumstances, the Department took the view that final publication of the regulations would serve little purpose.

2. On March 31, 1981, after protracted litigation involving a challenge by health services consumers to the governing body composition of all six HSAs in Georgia and to the Secretary's enforcement of the governing body provisions of the Act, the Court in *Rakestraw v. Schweiker* entered an Order which, while generally favorable to the Secretary, directed him to publish final rules on governing body composition that "do more than merely restate the statutory provision." Although the original Order directed publication of the final regulations by July 1, 1981, extensions of that deadline were obtained by the Department due to the program's uncertain future. Finally, in January of this year, the Department asked that the Court either rescind its Order or stay it until Congress extends the program's authorization or allows it to expire on September 30, 1982. The Court declined to do either and on

March 9 directed the Secretary to publish final governing body composition regulations by July 1, 1982.

Accordingly, the rule set out below is effective on July 1, 1982.

We note that the January 22, 1981 NPRM proposed a number of changes in the regulations relating to HSA governing bodies in addition to those concerning the composition of those bodies. This rule, however, affects only 42 CFR 122.109(b), the provision that covers governing body composition, and 42 CFR 122.104(b)(1)(iii)(D), the provision concerning the number of consecutive years a governing body member may serve. Any decision to finalize other portions of the NPRM will await final Congressional action on the future of the health planning program. It is emphasized, however, that to the extent other provisions in Part 122 are no longer consistent with the underlying statute, the statute necessarily controls.

Some 35 responses were received to the invitation for public comment on the January 22, 1981 proposal. Many of those responses expressed support for the proposed changes in the governing body composition requirements. In some cases where opposition to proposed changes was expressed, the changes opposed were merely incorporations of statutory amendments—e.g., the addition of the handicapped as a category of consumers who must be represented on the consumer majority of the governing body (see section 1512(b)(3)(C)(i)(II) of the Act), the addition of "other providers of health care" to the provider portion (see section 1512(b)(3)(C)(ii)(VI)), and the permitted increase in representation of the area's nonmetropolitan population (see section 1512(b)(C)(iii)(II)). Others requested the addition of certain health professionals not specified in the statute, such as psychologists and chiropractors, to the governing body. Several alternatives were suggested to the income groupings proposed in the NPRM. A number of respondents expressed concern with the proposed criteria for determining a health maintenance organization's (HMO's) entitlement to representation—some stated that the criteria were insufficiently generous to developing HMOs, others that they unfairly include HMOs that have not proven themselves viable as health care providers. Some respondents urged that a more detailed percentage methodology be used for determining whether a particular population group is adequately represented on the consumer majority of the governing body, while others opposed the proposed requirement that

any identifiable racial or linguistic group which constitutes at least 10 percent of the area's population be represented and urged that the statutory language requiring the consumer majority to be "broadly representative" of the area's various population groups not be elaborated upon in regulations.

After having considered all of the comments received, we have decided that the regulation governing the composition of HSA governing bodies should be revised as proposed in the January 22, 1981 NPRM. We believe the regulation as proposed strikes an appropriate balance in assuring that the interests of the various significant population and provider groups will be articulated and considered by the governing bodies, while avoiding the imposition of rigid quota tests. To the extent that small population groups and types of providers not specified in the statute are left without mandated representation on the governing bodies, accommodation of the interests of those groups is in our view best left to individual HSAs.

In order to minimize disruption of the ongoing activities of HSAs and allow HSAs to identify prospective new governing body members to meet the revised composition requirements, we believe some lead time is necessary. Therefore, the Department will require that each HSA conform its governing body membership to the revised requirements of § 122.109(b) not later than the date of its first regularly scheduled selection of new governing body members that occurs after July 31, 1982.

In addition, in response to a number of requests from HSA representatives, we are deleting § 122.104(b)(1)(iii)(D), which limits to six the number of consecutive years for which a member of an HSA governing body may serve. Some HSAs will be ceasing operations within the next few months because of insufficient operating funds and the expected phaseout of the program, and are experiencing difficulty in attracting qualified replacements for board members whose six years of service are expiring. It would serve no useful purpose at this point to insist upon the governing body turnover that the provision was intended to foster, and would only have the effect of depriving struggling agencies of the needed services of experienced governing body members. In light of the urgent need of some HSAs for the removal of this restriction and of the negligible effect that it will otherwise have on the continued operation of the program, the Secretary has concluded that an

invitation for public comment and delay in effective date are unnecessary and contrary to the public interest.

#### **Regulatory Flexibility Act and Executive Order 12991**

The Department of Health and Human Services has determined that this rule will not significantly impact on small business and therefore does not require preparation of a Regulatory Flexibility Analysis under the Regulatory Flexibility Act, Pub. L. 96-354.

The Department also had determined that this rule is not a "major rule" under Executive Order 12291. Thus, a regulatory impact analysis is not required because it will not:

- (1) Have an annual effect on the economy of \$100 million or more;
- (2) Impose a major increase in costs or prices for consumers, individual industries; Federal, State or local government agencies; or geographic regions; or
- (3) Result in significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### **List of Subjects in 42 CFR Part 122**

Health planning, Health care.

Accordingly, 42 CFR 122.109(b) is revised as set out below, and § 122.104(b)(1)(iii)(D) is removed effective on July 1, 1982.

Dated: June 10, 1982.

Edward N. Brandt, Jr.,  
*Assistant Secretary for Health.*

Approved: June 24, 1982.

Richard S. Schweiker,  
*Secretary.*

#### **PART 122—HEALTH SYSTEMS AGENCIES**

Part 122 of Title 42, CFR, is amended as follows:

1. Paragraph (b) of § 122.109 is revised to read as follows:

##### **§ 122.109 Governing body; executive and other committees.**

\* \* \* \* \*

(b) *Composition.* The membership of the governing body of an agency shall meet the following requirements:

(1) *Consumer composition requirements.* A majority (but not more than 60 per centum) of the members shall be residents of the health service area served by the agency who are consumers of health care and who are not providers of health care, and who

are broadly representative of the health service area. The consumer majority must include individuals representing the principal social, economic, linguistic, handicapped, and racial populations and geographic areas of the health service area and major purchasers of health care in the area.

(i) The purpose of the requirements of this subparagraph is to ensure that each health systems agency will be governed by a body with a consumer majority which, looked at as a whole, includes and may reasonably be expected to consider and articulate the interests of all segments of the population of its health service area in carrying out its health planning functions. Accordingly, while no specific quotas or percentages of representation are required, the Secretary must be satisfied that the consumer majority of the governing body is broadly representative of the entire population of the area. In particular, the following groups must be represented on the consumer majority:

(A) Each identifiable racial or linguistic population group which constitutes at least ten percent of the population of the area;

(B) Lower, middle and upper income economic groups;

(C) Women;

(D) Persons age 65 and over; and

(E) The handicapped, as that term is defined in Section 504 of the Rehabilitation Act of 1973 (see also paragraph (b)(3)(iv) of this section).

(ii) In order to be considered a representative of a specific population group, an individual must either be a member of that group or have been selected as a representative by an organization composed primarily of members of that group.

(iii) For purposes of this paragraph, "major purchaser of health care" means an entity (including a labor organization or a business corporation), other than an entity described in paragraph (b)(2) of this section, which either directly or indirectly (such as through the purchase of group health insurance or hospital or medical service benefits) provides health care for its employees, members, or beneficiaries.

(2) *Provider composition requirements.* The remainder of the members shall be residents of, or individuals whose principal place of business is in, the health service area served by the agency who are providers of health care and who represent:

(i) Physicians (particularly practicing physicians), dentists, nurses, optometrists, podiatrists, physician assistants, and other health professionals;

(ii) Health care institutions (particularly hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, and health maintenance organizations);

(iii) Health care insurers;

(iv) Health professional schools (which include schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy and veterinary medicine as defined in section 724(4) of the Act, and schools of nursing as defined in section 853 of the Act);

(v) The allied health professions; and

(vi) Other providers of health care.

At least one-half of the providers of health care who are members of the governing body shall be direct providers of health care, at least one of whom must be a person engaged in the administration of a hospital.

(3) *Miscellaneous composition requirements.* The total membership as described in paragraphs (b)(1) and (b)(2) of this section shall:

(i) Include (either through consumer or provider members) at least one public elected official and at least one other representative of a unit of general purpose local government in the agency's health service area. To be considered a representative of a unit of general purpose local government, an individual must be appointed by that unit or a combination of such units. Where the health service area of the agency includes an entire State, the government of that State shall be deemed to be a unit of general purpose local government for purposes of this subsection;

(ii) Include representatives of public and private agencies in the area concerned with health;

(iii) Include a percentage of individuals who reside in nonmetropolitan areas within the health service area that is at least equal to the percentage of residents of the area who reside in nonmetropolitan areas;

(iv) Include at least one consumer and one provider member who are knowledgeable about mental health services. The requirement of this subsection pertaining to consumer membership and the requirement of paragraph (b)(1)(i)(E) pertaining to representation of the handicapped may not be satisfied by the designation of a single individual to serve in both capacities;

(v) If the agency serves an area in which there is located one or more hospitals or other health care facilities of the Veterans Administration, include, as a nonvoting, ex officio member, an individual whom the Chief Medical Director of the Veterans Administration

shall have designated for that purpose. A member appointed under this subsection shall not be considered in determining the number of members of the governing body for purposes of the numerical limits prescribed by paragraph (c) of this section; and

(vi) If the agency serves a health service area in which there is located one or more health maintenance organizations, include at least one member who is representative of such organizations. For purposes of this subsection, a health maintenance organization shall be considered to be "located in" a health service area if (A) more of the HMO's enrollees reside in the area than in any other health service area, or (B) a health service delivery facility owned or operated by the organization is located in the area, or (C) a substantial number of area residents are enrollees of a health maintenance organization, or (D) a number of physicians are providing health care services to HMO members in the health service area through an independent practice association model health maintenance organization.

\* \* \* \* \*

§ 122.104 [Amended]

2. Section 122.104(b)(1)(iii)(D) is removed.

(Sec. 1512(a) of the Public Health Service Act (42 U.S.C. 300-1(a)).

[FR Doc. 82-17948 Filed 6-30-82; 8:45 am]

BILLING CODE 4160-15-M

## Health Care Financing Administration 42 CFR Parts 431, 435, and 436

### Medicaid Program; Entitlement of Children for Whom Payments Are Made Under the Foster Care Maintenance Payments Program or the Adoption Assistance Program

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Final rule.

**SUMMARY:** These final regulations implement the Medicaid provisions of the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272). That law established a new title IV-E of the Social Security Act, providing for adoption subsidies for certain hard-to-place children and for an expanded foster care program. Under the law, children for whom adoption assistance of foster care maintenance payments are made are entitled to Medicaid. These final regulations specify that the State making payments for a child under its

title IV-E program is also responsible for Medicaid for that child.

**EFFECTIVE DATE:** September 29, 1982.

**FOR FURTHER INFORMATION CONTACT:** Marinos T. Svolos, (301) 594-9052.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272), enacted June 17, 1980, seeks to assure adequate planning and services to—(1) alleviate family problems that would otherwise result in a child's removal from home; and (2) provide alternative care for a child who cannot return home. The law created a new title IV-E of the Social Security Act (the Act), which replaces the foster care program under title IV-A (Aid to Families with Dependent Children (AFDC)) and establishes an adoption assistance program that provides continuing adoption subsidies, Medicaid, and title XX (social services) benefits for hard-to-place children with special needs. (Additional changes were made by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, which amended title XX to create the Social Services Block Grant and gave States flexibility to determine whether to provide social services to title IV-E individuals.)

The children covered under the adoption program are those who are eligible for AFDC, title IV-E foster care maintenance payments, or Supplemental Security Income (SSI). Regulations implementing the adoption assistance program will be published separately by the Office of Human Development Services.

In addition to providing Federal funds to finance continuing adoption assistance for hard-to-place SSI, AFDC, and title IV-E foster care children with special needs, Pub. L. 96-272 also entitles two new groups to benefits under the foster care maintenance payment program: (1) certain children voluntarily removed from their homes; and (2) children in public non-detention-type child-care facilities that house no more than 25 children. Previously, the law had provided reimbursement for foster care only for children removed from their homes as a result of a judicial determination, and did not permit Federal funds for foster care provided for children in public institutions.

The new provisions of law mandate Medicaid eligibility for all children for whom payments are made under the foster care maintenance payments program or the adoption assistance program. These children are deemed to be recipients of AFDC under title IV-A of the Act. This is required by sections

472(h) and 473(b) of the Act which were added by section 101 of Pub. L. 96-272. (Effective October 1, 1983, section 472(h) will be redesignated as 472(d)). Since AFDC recipients are automatically eligible for Medicaid by virtue of their AFDC recipient status, Pub. L. 96-272, by providing for "deemed" AFDC recipient status, provides mandatory Medicaid coverage for these individuals.

Usually, when a recipient of a cash assistance program that is linked to Medicaid moves to another State, the individual loses eligibility for that cash assistance program (and Medicaid) in the originating State, and is covered for both programs by the new State if he or she meets that State's requirements.

However, section 475(3)(B) of the Act and section 101(a)(4)(A) of Pub. L. 96-272 require that, for adoption assistance agreements between State social service agencies and adoptive parents entered into on or after October 1, 1983, the agreement must remain in effect regardless of the State in which the adoptive parents reside at any given time. Thus, the originating State will remain responsible for continuing the adoption assistance payments even if the family moves. (Before that date, if the family moves to another State, the originating State may either continue the payments or end the agreement.)

Section 2171 of the 1981 Omnibus Budget Reconciliation Act, Pub. L. 97-35, subsequently amended section 1902(a)(10)(A) of the Act to require a Medicaid agency to provide Medicaid coverage for all children receiving aid or assistance under the State's title IV-E programs. Therefore, so long as a State continues to provide title IV-E assistance, the State is required to continue Medicaid, even if a child moves to a second State.

**B. Proposed Regulations**

We issued a Notice of Proposed Rulemaking (NPRM) on December 31, 1980 (45 FR 82254). In that document, published before the enactment of Pub. L. 97-35, we proposed that the State making the foster care maintenance payments or the adoption assistance payments would be required to retain responsibility for Medicaid. This was consistent with HCFA policy requiring the State that provides cash assistance resulting in Medicaid eligibility also to have responsibility for Medicaid for the individuals involved. (42 CFR 435.110, 435.120, 435.130, and 436.110 state this policy.) The proposal also represented a continuation of policy in effect under the title IV-A AFDC foster care program, which required that the State with initial responsibility for foster care payments retain that financial responsibility,

including Medicaid, when the foster care placement is made out-of-State. As explained above, the policy of requiring that a Medicaid agency provide coverage for all children receiving aid or assistance under the States' title IV-E program was subsequently legislated by section 2171 of Pub. L. 97-35.

**C. Final Regulations**

Since the Omnibus Budget Reconciliation Act of 1981 mandates the policy we proposed, these final regulations require States to provide Medicaid coverage for all children for whom payments are made under the State's title IV-E program, even if the child moves to another State. We are making the following changes in current regulations:

(1) 42 CFR 431.52, regulations on payments for Medicaid services furnished out of State, is changed to clarify that the originating State retains financial responsibility for Medicaid when a child whose eligibility is based on receipt of title IV-E payments from that State moves to another State.

(2) We are adding 42 CFR 435.118 and 42 CFR 436.118 to require Medicaid coverage of children for whom title IV-E payments are made.

(3) We are amending the definitions relating to institutional status (42 CFR 435.1009) to implement the provision concerning public child-care institutions that accommodate no more than 25 children. Since AFDC-foster care under title IV-A will not be completely phased out until October 1, 1982, the provision applies both to that program and to the foster care maintenance program under title IV-E.

Because 42 CFR 435.1008 prohibits Federal matching in expenditures for services provided to individuals who are inmates of public institutions, we are clarifying the definition of public institution to exclude from this prohibition the non-detention type institutions serving children in foster care who are entitled to Medicaid.

**D. Public Comments**

We received 24 comments on the NPRM. Twelve of the comments were from child advocacy groups, ten from State agencies, and two from an association representing welfare administrators. The specific comments and our responses are as follows:

**1. Responsibility for Medicaid—**

*Comment:* Nine commenters agreed that the originating State should be fiscally responsible for the cost of Medicaid when a title IV-E child moves to a second State. However, two commenters recommended that the

receiving State should provide a Medicaid identification card and be fiscally responsible for the Medicaid benefits the child receives in that State. Eleven commenters believe that the use of an out-of-State Medicaid card from the originating State may create unnecessary problems. The problems include—

- For the beneficiary, locating a sufficient number of providers willing to accept out-of-State Medicaid cards. (Some providers may be reluctant because of their unfamiliarity with the requirements of another Medicaid agency.)

- For the originating State, administrative difficulties as it attempts to guarantee service coverage and provider compliance across State lines.

Four commenters supported the use of interstate agreements to address difficulties in providing Medicaid across State lines. Other commenters recommended that interstate agreements be required, or that HCFA develop procedures to resolve these problems.

**Response:** As a result of the amendment made by Pub. L. 97-35, section 1902(a)(10)(A) of the Act is clear in requiring that the State providing the title IV-E assistance must provide Medicaid. Section 475(3) of the Act requires that as of October 1, 1983, the adoption assistance agreement remain in effect regardless of the State the family resides in at any given time. Therefore, the statute requires the originating State to continue Medicaid even if an eligible child moves to another State. (Our actuaries estimate that fewer than 350 children for whom adoption assistance payments are made will move to another State during the next five years.)

We are not currently developing procedures to solve potential administrative problems that may result from this requirement because we believe that States should be free to agree among themselves on procedures. A State may enter into an agreement with another State to facilitate the provision of Medicaid for title IV-E children who move to a second State. Two States can agree, for example, that the receiving State would issue its Medicaid card and provide its program of Medicaid coverage, so long as the receiving State's program includes the services provided by the originating State. The two States may decide that the originating State should reimburse the receiving State for the Medicaid cost.

States might also agree to accept providers certified by the receiving State. Such an agreement relieves the

burden that a provider might have in completing a second State's certification process.

Although we encourage the use of interstate agreements, for the benefit of both beneficiaries and State Medicaid agencies, the statute does not require that States develop those agreements. Section 101(a)(4)(B) of Pub. L. 96-272 provides that any such interstate compacts "are hereby approved by Congress".

#### 2. Regulatory location of Medicaid revisions—

**Comment:** Two commenters recommended that we not amend current Medicaid regulations that deal with residency. We proposed to amend §§ 435.403 and 436.403, regulations on State residence, to clarify that a child receiving payments under title IV-E of the Act remains a resident of the State making those payments, even if the child moves to another State. The commenters suggested that the necessary changes be made in other sections of the regulations because, as proposed, the changes in the residency sections might encourage some States to exclude children from public school unless non-resident tuition was paid (in the case of a child who, for Medicaid purposes only, is considered to be a resident of another State).

**Response:** The purpose of Medicaid residency requirements is to assure that individuals are not denied eligibility due to a situation in which no State assumes responsibility for the individual's Medicaid services.

We believe that, with the change in section 1902(a)(10)(A) of the Act, which clearly connects responsibility for Medicaid to the State providing the title IV-E assistance, there is now no need to change the residency sections of the Medicaid regulations.

#### 3. Private health insurance—

**Comment:** One State agency suggested that, to reduce Medicaid costs, an adoptive parent with health insurance coverage be required to pursue extension of that coverage for an adopted child.

**Response:** There is no authority in either Pub. L. 96-272 or the Act to require that individuals purchase health insurance. Thus, it would be inconsistent with the Medicaid statute, as well the policy objectives of Pub. L. 96-272 of encouraging adoptions and foster homes for these children, for us to adopt this suggestion. However, Medicaid's responsibility for payment of medical care is only for that portion of covered services not covered by any other third parties. (A third party is any individual, entity or program that is or may be liable to pay all or part of the medical cost of a Medicaid beneficiary.

Medicaid third party liability regulations are contained in 42 CFR Part 433, Subpart D.) Therefore, if an adopted child is covered by the parents' insurance, the usual Medicaid rules will apply.

#### 4. Requirement for adoption assistance payments—

**Comment:** Three commenters objected to the provisions that cash payments be required to trigger Medicaid eligibility. They suggested that any assistance made under a title IV-E adoption assistance agreement for the benefit of the child (such as payment for a wheelchair) should trigger Medicaid eligibility for the duration of the adoption assistance agreement. The commenters argued that a requirement for continuing adoption assistance payments is administratively burdensome.

**Response:** Section 473 of the Act authorizes States to make adoption assistance cash payments on behalf of eligible children. Section 473(b) of the Act allows only the adoption assistance cash payments under the adoption assistance agreement to trigger Medicaid eligibility for these children. Under the provisions of the adoption assistance agreement, States will indicate the amounts of the adoption assistance cash payments, however minimal, and the duration of the agreement.

#### E. Impact Analyses

##### Executive Order 12291

We have determined that these final rules do not meet the criteria for a major rule as defined in section 1(b) of Executive Order 12291. That is, these rules will not have an annual effect on the economy of \$100 million or more; or cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or cause significant adverse effects on business or employment.

We do not anticipate any additional Medicaid costs as a result of Medicaid coverage for children for whom payments are made under the adoption assistance program because all those children were previously eligible for cash assistance and Medicaid. Since these children are considered hard-to-place children for various reasons (age, disabilities, etc.), and the States have unsuccessfully attempted to place the children, it is unlikely that they would be adopted or otherwise removed from Medicaid eligibility, and therefore would have remained on the Medicaid rolls. We expect that in some cases, adoptive parents will include the



children under their private medical insurance, thus reducing Medicaid costs.

We estimate that Medicaid costs for the two new groups of foster care children will amount to approximately \$307,000 per year. This is based on estimates of approximately 1,000 children in foster care placement and \$307 in medical expenditures per child. (The average projected cost per eligible AFDC child under Medicaid for fiscal year 1982, is \$307.)

#### Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, Pub. L. 96-354, requires that an agency prepare a regulatory flexibility analysis for a proposed rule, or a final rule issued after a proposal, if a rule would have a significant economic impact on a substantial number of small businesses, small non-profit organizations, or small governmental jurisdictions. However, this requirement does not apply to final rules for which a proposed rule was published before January 1, 1981 (section 4 of the Regulatory Flexibility Act). Because the proposed rule that preceded this final rule was published earlier, an analysis is not required under the Regulatory Flexibility Act.

However, we expect that the additional annual cost of the States and Federal government will total less than \$1 million per year. Therefore, the Secretary certifies, under section 605(b) of Title 5, United States Code, that this final rule will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects

##### 42 CFR Part 431

Adoption assistance, Administrative practice and procedure, Contracts (agreements), Fair hearings, Federal financial participation, Foster care maintenance payments, Grant-in-aid program—health, Health facilities, Health maintenance organizations (HMO), Indians, Information (disclosure), Medicaid, Mental health centers, Prepaid health plans, Privacy, Quality control, Reporting requirement.

##### 42 CFR Part 435

Adoption assistance, Aid to families with dependent children, Aliens, Categorically needy, Contracts (agreements—state plan), Eligibility, Foster care maintenance payments,

Grant-in-aid program—health, Health facilities, Medicaid, Medically needy, Reporting requirements, Spend-down, Supplemental security income (SSI).

##### 42 CFR Part 436

Adoption assistance; Aid to families with dependent children, Aliens, Contracts (agreements), Eligibility, Foster care maintenance payments, Grant-in-aid program—health, Guam, Health facilities, Medicaid, Puerto Rico, Supplemental security income (SSI), Virgin Islands.

42 CFR Chapter IV is amended as set forth below:

#### PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

The authority citation for Part 431 reads as follows: Section 1102 of the Social Security Act (42 U.S.C. 1302).

A. Section 431.52 is amended by revising paragraphs (a) and (b) to read as follows:

##### § 431.52 Payments for services furnished out of State.

(a) Basis and purpose. This section implements—(1) Section 1902(a)(16) of the Act, which authorizes the Secretary to prescribe State plan requirements for furnishing Medicaid to State residents who are absent from the State; and

(2) Section 1902(a)(10)(A) of the Act, which requires a State plan to provide for Medicaid for all individuals receiving assistance under the State's title IV-E plan.

(b) *Payment for services.* A State plan must provide that the State will furnish Medicaid to—(1) A recipient who is a resident of the State while that recipient is in another State, to the same extent that Medicaid is furnished to residents in the State, when—

(i) Medical services are needed because of a medical emergency;

(ii) Medical services are needed because the recipient's health would be endangered if he were required to travel to his State of residence;

(iii) The State determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other State; or

(iv) It is general practice for recipients in a particular locality to use medical resources in another State; and

(2) A child for whom the State makes adoption assistance or foster care maintenance payments under title IV-E of the Act.

\* \* \* \* \*

#### PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA AND THE NORTHERN MARIANA ISLANDS

B. Part 435 is amended as follows:

1. The table of contents for Part 435 is amended by adding under Subpart B a new center heading following § 435.115, and a new § 435.118 to read as follows:

\* \* \* \* \*

##### Subpart B—Mandatory Coverage of the Categorically Needy

\* \* \* \* \*

##### Mandatory Coverage of Adoption Assistance and Foster Care Children

Sec.

435.118 Children for whom adoption assistance or foster care maintenance payments are made.

\* \* \* \* \*

Authority: Sec. 1102, Social Security Act (42 U.S.C. 1302).

2. A new center heading and § 435.118 are added in Subpart B to read as follows:

##### Mandatory Coverage of Adoption Assistance and Foster Care Children

§ 435.118 Children for whom adoption assistance or foster care maintenance payments are made.

The agency must provide Medicaid to children for whom adoption assistance or foster care maintenance payments are made under title IV-E of the Act.

3. Section 435.1009 is amended by reprinting the introductory language, adding in alphabetical order the definition of "child-care institution", and revising the definition of "public institution" as follows:

##### § 435.1009 Definitions relating to institutional status.

For purposes of FFP, the following definitions apply:

\* \* \* \* \*

"Child-care institution" means a nonprofit private child-care institution, or a public child-care institution that accommodates no more than twenty-five children, which is licensed by the State in which it is situated, or has been approved by the agency of the State responsible for licensing or approval of institutions of this type, as meeting the standards established for licensing. The term does not include detention facilities, forestry camps, training schools or any other facility operated primarily for the detention of children

who are determined to be delinquent.

\* \* \* \* \*

"Public institution" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. The term "public institution" does not include (1) a medical institution as defined in this section; (2) an intermediate care facility as defined in §§ 440.140 and 440.150 of this chapter; (3) a publicly operated community residence that serves no more than 16 residents, as defined in this section; or (4) a child-care institution as defined in this section with respect to (i) children for whom foster care maintenance payments are made under title IV-E of the Act; and (ii) children receiving AFDC—foster care under title IV-A of the Act.

#### PART 436—ELIGIBILITY IN GUAM, PUERTO RICO, AND THE VIRGIN ISLANDS

C. Part 436 is amended as follows:

1. The table of contents for Part 436 is amended by adding under Subpart B a new § 436.118 to read as follows:

##### Subpart B—Mandatory Coverage of the Categorically Needy

\* \* \* \* \*

Sec.  
436.118 Children for whom adoption assistance or foster care maintenance payments are made.

\* \* \* \* \*

Authority: Sec. 1102, Social Security Act (42 U.S.C. 1302)

2. A new § 436.118 is added to read as follows:

##### § 436.118 Children for whom adoption assistance or foster care maintenance payments are made.

The agency must provide Medicaid to children for whom adoption assistance or foster care maintenance payments are made under title IV-E of the Act.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: April 28, 1982.

Carolyn K. Davis

Administrator, Health Care Financing Administration.

Approved: June 14, 1982.

Richard S. Schweiker,  
Secretary.

[FR Doc. 82-17750 Filed 6-30-82; 8:45 am]

BILLING CODE 4120-03-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management 43 CFR Public Land Order 6290

[M 013681(SD), et al.]

#### South Dakota; Partial Revocation of Public Land Orders Nos. 1168, 1343, 1344, 1429, 1744, 2165, 2285, 2965, and 3072

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

**SUMMARY:** This action will restore approximately 1,600 acres of land in the Black Hills National Forest to operation of the mining laws and to such disposition as may by law be made of national forest lands.

**EFFECTIVE DATE:** July 28, 1982.

**FOR FURTHER INFORMATION CONTACT:** Roland F. Lee, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior, by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The following identified public land orders which withdrew certain lands for use by the Forest Service as administrative sites, camp, picnic, ranger, and recreation areas, a lookout and a water system site, are hereby partially revoked insofar as they affect the lands described below:

##### Black Hills Meridian

##### Black Hills National Forest

M 013681(SD)—Public Land Order No. 1168 dated June 15, 1955

##### East Spearfish Creek Camp and Picnic Area

T. 4 N., R. 2 E.,

Sec. 26, W½NE¼SW¼, SE¼NW¼SW¼, and SE¼SW¼;

Sec. 35, E½NE¼NW¼.

The above areas aggregate 90 acres, more or less, in Lawrence County.

M 019680(SD)—Public Land Order No. 1343, dated October 1, 1958

##### Deer Creek Picnic Ground

T. 2 N., R. 5 E.,

Sec. 27, N½SE¼SW¼ (less patented homestead entries).

##### Headwaters Picnic Ground

T. 2 N., R. 2 E.,

Sec. 4, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and SE¼SE¼.

##### Deerdale Campground

T. 2 N., R. 2 E.,

Sec. 12, NE¼SE¼ (less patented homestead entry).

##### Rochford Administrative Site

T. 2 N., R. 3 E.,

Sec. 23, E½E½NE¼NE¼, and E½NE¼SE¼NE¼;

Sec. 24, NW¼NW¼, and NW¼SW¼NW¼.

The above areas aggregate 195 acres, more or less, in Lawrence and Pennington Counties.

M 020559(SD)—Public Land Order No. 1344 dated October 10, 1958

##### Boulder Park Picnic Ground

T. 5 N., R. 4 E.,

Sec. 15, SE¼SE¼SW¼, and SW¼SW¼SE¼; Sec. 22, NW¼NW¼NE¼, and NE¼NE¼NW¼.

##### Vanocker Picnic Ground

T. 5 N., R. 5 E.,

Sec. 32, N½NW¼NE¼.

##### Mann Road Picnic Ground

T. 4 S., R. 2 E.,

Sec. 3, SW¼SW¼SE¼.

##### Reno Gulch Picnic Ground

T. 2 S., R. 4 E.,

Sec. 3, NW¼NW¼NW¼ part of lot 8; Sec. 4, NE¼NE¼NE¼ part of lot 3.

##### Rockerville Camp Ground

T. 1 S., R. 6 E.,

Sec. 14, SW¼SE¼.

##### Battle Creek Picnic Ground

T. 2 S., R. 6 E.,

Sec. 10, SE¼SW¼NE¼.

The above areas aggregate 140 acres, more or less, in Custer, Meade, Lawrence and Pennington Counties.

M 024510(SD)—Public Land Order No. 2285 dated February 28, 1961

##### Norris Peak Lookout

T. 2 N., R. 6 E.,

Sec. 29, SW¼SE¼SW¼.

##### Parker Peak Lookout

T. 7 S., R. 4 E.,

Sec. 31, S½SE¼NW¼, and N½NE¼SW¼.

##### Boulder Hill Lookout

T. 1 S., R. 6 E.,

Sec. 15, S½SW¼SW¼NW¼, NW¼NW¼SW¼, and N½SW¼NW¼SW¼; Sec. 16, S½SE¼SE¼NE¼, NE¼NE¼SE¼, and N½SE¼NE¼SE¼.

The above areas aggregate 90 acres, more or less, in Pennington and Fall River Counties.

M 024808(SD)—Public Land Order No. 1744 dated October 6, 1958

##### Little Spearfish Ranger Station

T. 4 N., R. 1 E.,

Sec. 2, S½SW¼SW¼, and S½N½SW¼SW¼; Sec. 3, S½SE¼SE¼, S½N½SE¼SE¼, E½SE¼SW¼SE¼, and SE¼NE¼SW¼SE¼.

The above area contains 67.50 acres located in Lawrence County.

M 025762(SD)—Public Land Order No. 1744 dated October 6, 1958

##### Lone Grave Spring Picnic Ground

T. 5 N., R. 1 E.,

Sec. 31, lot 10.

##### Moonshine Gulch Picnic Grounds

T. 2 N., R. 3 E.,

Sec. 24, lot 2.



**Preacher Smith Picnic Grounds**

T. 5 N., R. 3 E.,  
Sec. 11, lots 6 and 7.

**Jenny Gulch Organization Camp**

T. 2 N., R. 5 E.,  
Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

**Haselrodt Recreation Area Addition**

T. 4 S., T. 5 E.,  
Sec. 10, lots 2, 3, 4, exclusive of M.S. 2124 and 2146; N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

**Junction Ranger Station**

T. 2 S., R. 3 E.,  
Sec. 25, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , exclusive of HES 496.  
T. 2 S., R. 4 E.,  
Sec. 30, lot 3, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , exclusive of HES 496.

**Harney Ranger Station**

T. 2 S., R. 6 E.,  
Sec. 15, Beginning at point No. 1 from thence the  $\frac{1}{4}$  corner on the south line of sec. 10, T. 2 S., R. 6 E., bears N. 54°38' W., a distance of 0.42 chains, thence, N. 69°49' W., 22.64 chains to point No. 2; N. 19°36' E., 9.13 chains to point No. 3; N. 31°52' E., 21.92 chains to point No. 4; N. 3°02' E., 15.04 chains to point No. 5; N. 89°36' E., 18.05 chains to point No. 6; S. 16°17' W., 15.99 chains to point No. 7; S. 65°58' W., 4.8 chains to point No. 8; S. 24°11' E., 18.69 chains to point No. 9; S. 53°48' E., 6.87 chains to point No. 10; S. 51°56' W., 19.79 chains to the point of beginning.

The above areas aggregate 606.44 acres, more or less, in Lawrence, Pennington and Custer Counties.

M 032906(SD)—Public Land Order No. 2165 dated July 21, 1960

**Este Administrative Site**

T. 2 N., R. 5 E.,  
Sec. 3, that portion of lot 2 exclusive of M.S. 1487.

T. 3 N., R. 5 E.,  
Sec. 34, lot 3.

The above areas aggregate 73 acres, more or less, in Lawrence County.

BLM 033459(SD)—Public Land Order No. 1429 dated June 3, 1957

**Pilger Mountain Lookout**

T. 7 S., R. 2 E.,  
Sec. 4, lots 3 and 4.

The area described above contains 20.87 acres, more or less, in Fall River County.

M 047492(SD)—Public Land Order No. 2965 dated March 18, 1963

**Clog Gulch Water System**

T. 1 S., R. 5 E.,  
Sec. 11, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  (less patent), and S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  (less patent).

The above area contains 60 acres, more or less, located in Pennington County.

M 051694(SD)—Public Land Order No. 3072 dated May 7, 1963

**Pilot Knob Campground Area Extension**

T. 2 N., R. 4 E.,  
Sec. 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$   
Sec. 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

**Sanator Campground**

T. 4 S., R. 4 E.,  
Sec. 11, That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  east of the centerline of U.S. Highway No. 385;  
Sec. 14, That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  east of the centerline of U.S. Highway No. 385.

**Canyon Campground Recreation Site**

T. 6 N., R. 2 E.,  
Sec. 27, lots 3 and 4.

**Rockerville Campground Area Extension**

T. 1 S., R. 6 E.,  
Sec. 14, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The above areas aggregate 257.87 acres, more or less, in Lawrence and Custer Counties.

2. At 8 a.m. on July 28, 1982, the lands will be open to location under the United States mining laws and to such forms of disposition as may by law be made of national forest lands.

The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 50157, Billings Montana 59107.

Garrey E. Carruthers,

*Assistant Secretary of the Interior.*

June 22, 1982.

[FR Doc. 82-17946 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

**43 CFR Public Land Order 6291**

[M 42863(SD)]

**South Dakota; Partial Revocation of Secretarial Order Dated October 29, 1908**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** The action will restore 55 acres of land in the Black Hills National Forest to operation of the mining laws and to such disposition as may by law be made of national forest land.

**EFFECTIVE DATE:** July 28, 1982.

**FOR FURTHER INFORMATION CONTACT:** Roland F. Lee, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior, by section 204 of the Federal Land Policy and

Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated October 29, 1908, which withdrew certain lands for use by the Forest Service as an administrative site, is hereby revoked insofar as it affects the following described land:

**Black Hills Meridian****Black Hills National Forest, Block Administrative Site**

T. 4 N., R. 1 E.,

Metes and bounds in Sections 24, 25 and 26 containing 55 acres, more or less in Lawrence County.

2. At 8 a.m. on July 28, 1982, the land will be open to location under the United States mining laws and to such forms of disposition as may by law be made of national forest land.

The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

*Assistant Secretary of the Interior.*

June 22, 1982.

[FR Doc. 82-17947 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

**FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 65**

[Docket No. FEMA 6338]

**List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Director, Federal Emergency Management Agency, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

**EFFECTIVE DATES:** The date listed in the fifth column of the table.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard E. Sanderson, Acting Director, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest,

Donohoe Building, Room 505,  
Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood-prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires, at section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) For acquisition and construction of buildings, and

(2) For buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Emergency Management Agency's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number. If the FEMA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et seq.)

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities. As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication.

#### List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency

Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. Accordingly, Subchapter B of Chapter 1 of Title 44 of the Code of Federal Regulations is amended as follows:

1. Present § 65.6 is revised to read as follows:

#### § 65.6 Administrative withdrawal of maps.

##### (a) Flood Hazard Boundary Maps (FHBM's).

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149  
40 FR 17015  
40 FR 20798  
40 FR 46102  
40 FR 53579  
40 FR 56672  
41 FR 1478  
41 FR 50990  
41 FR 13352  
41 FR 17726  
42 FR 8895  
42 FR 29433  
42 FR 46226  
42 FR 64076  
43 FR 24019  
44 FR 815  
44 FR 6383  
44 FR 18485  
44 FR 25636

44 FR 34120  
44 FR 52835  
44 FR 57094  
45 FR 12421  
45 FR 26051  
45 FR 31318  
45 FR 34120  
45 FR 49570  
45 FR 52385  
46 FR 13695  
46 FR 20176  
46 FR 26776  
46 FR 46810  
47 FR 3121  
47 FR 18869  
47 FR 28657

##### (b) Flood Insurance Rate Maps (FIRM's)

The following is a cumulative list of withdrawals pursuant to the Part:

40 FR 17015  
41 FR 1478  
42 FR 49811  
42 FR 64076  
43 FR 24019  
44 FR 25636  
45 FR 12421  
45 FR 49570  
46 FR 20176  
46 FR 46810  
47 FR 3121  
47 FR 18869

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 65.6:

State	Community name, Number	County	Hazard ID date	Rescission date	Reason
CA	City of Calipatria, 060068(E)	Imperial	11-14-75	June 1, 1982	2
CA	City of Coronado, 060287(E)	San Diego	9-10-76	....do	2

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: May, 27, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-17878 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 65

[Docket No. FEMA-6339]

#### Communities With No Special Hazard Area for the National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by 100-year flood. Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program of (NFIP) without a map.

**EFFECTIVE DATE:** Date listed in fourth column of list of Communities with No Special Flood Hazards.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as Zone C. In a Zone C. insurance

coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1-4 family dwelling is \$.25 per \$100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is \$.10 per \$100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium is \$.05 per \$100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of \$185,000 coverage for the structure and \$60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be

obtained from any licensed property insurance agency or broker serving the eligible community.

#### List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notices stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

**EFFECTIVE DATE:** Date listed in fourth column of list of Communities with Minimal Flood Hazards Areas.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazards areas of the specified community and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 65

Flood insurance—flood plains.

#### PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

The entry reads as follows:

#### § 65.8 List of communities with no special flood hazard areas.

State	County	Community name	Date of conversion to regular program
California .....	Imperial .....	City of Calipatria .....	June 1, 1982. Do.
California .....	San Diego .....	City of Coronado .....	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 20, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-17877 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 65

[Docket No. FEMA-6340]

#### Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency, after consultation with local officials of the communities

listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting

#### § 65.7 List of communities with minimal flood hazards areas.

State	County	Community	Date of conversion to regular program
New York .....	Cattaraugus .....	Town of Napoli .....	July 2, 1982.
New York .....	Chautaugus .....	Town of Cherry Creek .....	July 2, 1982.
Pennsylvania .....	Crawford .....	Township of Athens .....	July 2, 1982.

State	County	Community	Date of conversion to regular program
Pennsylvania	Fulton	Township of Ayr	July 2, 1982.
Pennsylvania	Washington	Township of Blaine	July 2, 1982.
Pennsylvania	Monroe	Township of Jackson	July 2, 1982.
Arkansas	Pope	City of Atkins	July 6, 1982.
Arkansas	Logan	City of Paris	July 6, 1982.
Oklahoma	Washington	City of Dewey	July 6, 1982.
Oklahoma	Logan	Town of Langston	July 6, 1982.
Oklahoma	Cotton	City of Walters	July 6, 1982.
Texas	Robertson	City of Calvert	July 6, 1982.
Texas	Robertson	City of Franklin	July 6, 1982.
Texas	Hill	City of Itasca	July 6, 1982.
Texas	Limestone	Town of Kosse	July 6, 1982.
Texas	Leon and Madison	City of Normangee	July 6, 1982.
Georgia	Clinch	City of Homerville	July 9, 1982.
Georgia	Rabun	Town of Mountain City	July 9, 1982.
Georgia	Haralson	City of Tallapoosa	July 9, 1982.
Georgia	Montgomery	Town of Uvalda	July 9, 1982.
Georgia	Dooly	City of Vienna	July 9, 1982.
Illinois	Grundy	Village of East Brooklyn	July 9, 1982.
New York	Wayne	Town of Butler	July 9, 1982.
New York	Allegany	Town of Grove	July 9, 1982.
New York	Allegany	Town of Independence	July 9, 1982.
Pennsylvania	Lawrence	Borough of Bessemer	July 9, 1982.
Pennsylvania	Schuylkill	Town of Norwegian	July 9, 1982.
Arkansas	Faulkner	City of Greenbrier	July 13, 1982.
Arkansas	Pope	City of London	July 13, 1982.
Arkansas	Logan	City of Magazine	July 13, 1982.
Arkansas	Yell	City of Ola	July 13, 1982.
Louisiana	Uninc. Areas	St. James Parish	July 13, 1982.
Oklahoma	Rogers Mills	Town of Hammon	July 13, 1982.
Oklahoma	Caddo	Town of Lookaba	July 13, 1982.
Georgia	Walton and Gwinnett	City of Loganville	July 16, 1982.
New York	Allegany	Town of Allen	July 16, 1982.
New York	Allegany	Town of Birdsall	July 16, 1982.
New York	Allegany	Town of Burns	July 16, 1982.
New York	Jefferson	Town of Champion	July 16, 1982.
New York	St. Lawrence	Town of Clare	July 16, 1982.
New York	Herkimer	Town of Columbia	July 16, 1982.
New York	Lewis	Village of Constableville	July 16, 1982.
New York	Cattaraugus	Town of Lyndon	July 16, 1982.
New York	Genesee	Town of Stafford	July 16, 1982.
New York	Wyoming	Town of Weathersfield	July 16, 1982.
Pennsylvania	Berks	Borough of Centerport	July 16, 1982.
Pennsylvania	Mercer	Township of Springfield	July 16, 1982.
Pennsylvania	Berks	Township of Upper Tulpehocken	July 16, 1982.
Virginia	Surry	Town of Dendron	July 16, 1982.
Arkansas	Mississippi	City of Manila	July 20, 1982.
Arkansas	Perry	Town of Perry	July 20, 1982.
Montana	Golden Valley	Town of Ryegate	July 20, 1982.
Oklahoma	Atoka	City of Atoka	July 20, 1982.
Oklahoma	Caddo	Town of Carnegie	July 20, 1982.
Oklahoma	Garvin	Town of Elmore City	July 20, 1982.
Oklahoma	Jefferson	Town of Ryan	July 20, 1982.
Georgia	Hall	Municipality of Oakwood	July 23, 1982.
Georgia	Montgomery	City of Unadilla	July 23, 1982.
Georgia	Warren	City of Warrenton	July 23, 1982.
New York	Chemung	Town of Baldwin	July 23, 1982.
New York	Ontario	Village of Clifton Springs	July 23, 1982.
New York	St. Lawrence	Town of De Peyster	July 23, 1982.
New York	St. Lawrence	Village of Edwards	July 23, 1982.
New York	Cattaraugus	Town of Farmersville	July 23, 1982.
New York	Yates	Town of Italy	July 23, 1982.
New York	Steuben	Town of Jasper	July 23, 1982.
New York	Lewis	Town of Lewis	July 23, 1982.
New York	Livingston	Town of Lima	July 23, 1982.
New York	Green	Town of New Baltimore	July 23, 1982.
New York	Wayne	Town of Wolcott	July 23, 1982.
Pennsylvania	Bradford	Borough of Alba	July 23, 1982.
Pennsylvania	Mercer	Township of East Lackawannock	July 23, 1982.
Arkansas	Little River	City of Foreman	July 27, 1982.
Georgia	Bartow	Town of Adairsville	July 30, 1982.
New York	Allegany	Town of Bolivar	July 30, 1982.
New York	Cattaraugus	Town of Conewango	July 30, 1982.
New York	Allegany	Town of Cuba	July 30, 1982.
New York	St. Lawrence	Town of Edwards	July 30, 1982.
New York	Herkimer	Town of Fairfield	July 30, 1982.
New York	Allegany	Town of Genesee	July 30, 1982.
New York	Jefferson	Town of Pamela	July 30, 1982.
New York	St. Lawrence	Town of Parishville	July 30, 1982.
New York	Oneida	Village of Prospect	July 30, 1982.
New York	St. Lawrence	Town of Rossie	July 30, 1982.
New York	Herkimer	Town of Webb	July 30, 1982.
Pennsylvania	Northampton	Borough of Chapman	July 30, 1982.
Pennsylvania	Mercer	Borough of Clark	July 30, 1982.
Pennsylvania	Lehigh	Borough of Coopersburg	July 30, 1982.
Pennsylvania	Mercer	Township of Delaware	July 30, 1982.
Pennsylvania	Chester	Township of Elk	July 30, 1982.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: June 7, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-17918 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

##### Letter of Map Amendment for the City of Phoenix, Arizona Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 040051 Panel 0075B, published on October 6, 1980, in 45 FR 66116, indicates that Lot 8, Plat of Orchid Park, Phoenix, Arizona, as recorded in Book 67, Page 13, in the Office of the Recorder, Maricopa County, Arizona is located within the Special Flood Hazard Area.

Map No. H & I 040051 Panel 0075B is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on December 4, 1979. This lot is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood Insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 11, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-17864 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

##### Letter of Map Amendment for the City of Davis, California Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Davis, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Davis, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 060424 Panel 0002B, published on October 6, 1980, in 45 FR 66117, indicates that Subdivision No. 3025, Pajaro Subdivision, Davis, California, as recorded in Map Book 12, Pages 41 through 44, in the Office of the Recorder, Yolo County, California, is

located within the Special Flood Hazard Area.

Map No. H & I 060424 Panel 0002B is hereby corrected to reflect that the existing structures located on the above mentioned property are not within the Special Flood Hazard Area identified on November 15, 1979. These structures are in Zone C.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 11, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17865 Filed 6-30-82; 8:45 am]

**BILLING CODE 6718-03-M**

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for Sacramento County, California, Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Sacramento County, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Sacramento County, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 060262 Panel 0340B, published on October 6, 1980, in 45 FR 66118, indicates that Lots 6A, 7A, 27A, 28A, 35A through 37A, 5B through 7B, 25B through 27B, and 35B through 37B, Rancho Grande, Unit No. 9, Sacramento County, California, recorded as Certificate No. 11403 in Book 148 of Maps, Map No. 15, in the Office of the Recorder, Sacramento County, California, are located within the Special Flood Hazard Area.

Map No. H & I 060262 Panel 0340B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on April 21, 1981. These lots are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and

imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 11, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17866 Filed 6-30-82; 8:45 am]

**BILLING CODE 6718-03-M**

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Sunnyvale, California, Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Sunnyvale, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Sunnyvale, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender

now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 060352 Panel 0001B, published on October 6, 1980, in 45 FR 66119, indicates that Lot 1424, Tract No. 2010, Lakewood Village No. 5, Sunnyvale, California, recorded as Document No. 2871979 in Book 7001, Page 573, in the Office of the Recorder, Santa Clara County, California, is located within the Special Flood Hazard Area.

Map No. H & I 060352 Panel 0001B is hereby corrected to reflect that the above mentioned lot is not within the Special Flood Hazard Area identified on May 15, 1979. This lot is in Zone B.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 27, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17867 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Safety Harbor, Florida; Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Safety Harbor, Florida. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Safety Harbor, Florida that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125143 B, Panel 03 published on October 6, 1980 in 45 F.R. 66061 indicates that the property known as Beacon Place East, a Planned Residential District in the City of Safety Harbor, Florida, located in Section 34,

Township 28 South, Range 16 East, recorded in Official Record 5069 at Pages 1485 and 1486, and Official Record 5295 at Pages 81 through 83 in the Pinellas County Circuit Court Clerk's Office, and a portion of this property known as Yorktown at Beacon Place, Phase 1, A Condominium, as recorded in Plat Book 51, Page 16 through 19 in the Pinellas County Circuit Court Clerk's Office, are located within the Special Flood Hazard Area.

Map Number H & I 125143 B, Panel 03 is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on October 22, 1976. The property is located in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 27, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17868 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for Cobb County, Georgia; Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Cobb County, Georgia. It has been determined by the Associate Director, State and



Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Cobb County, Georgia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP): P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 130052, Panel 0050 A published on October 6, 1980 in 45 FR 66062 indicates that the property located at 5074 Kings Wood Drive, in Cobb County, Georgia, and recorded in Plat Book 77, Page 43 in the Cobb County Clerk's Office is located within the Special Flood Hazard Area.

Map Number H & I 130052, Panel 0050 A, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on January 3, 1979. The existing structure is located in Zone B. However, the property would still be inundated by a flood having a one-percent chance of occurrence in any given year.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies

that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

**List of Subjects in 44 CFR Part 70.**

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 27, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17869 Filed 6-30-82; 8:45 am]

**BILLING CODE 6718-03-M**

**44 CFR Part 70**

[Docket No. FEMA-5909]

**Letter of Map Amendment for the City of Albany, Georgia, Under National Flood Insurance Program**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Albany, Georgia. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Albany, Georgia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert C. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner for maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP): P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 130075 B, Panel 03 published on October 6, 1980 in 45 FR 66062 indicates that the property at 512 Summit Drive in the City of Albany, Georgia, also known as Lake Park Subdivision C Section 6, recorded in Plat Book 3, Page 263 in the Office of the Clerk of Dougherty County, Georgia is located within the Special Flood Hazard Area.

Map Number H & I 130075 B, Panel 03 is hereby corrected to reflect that the structure on the above-mentioned lot is not within the Special Flood Hazard Area as identified on August 15, 1977. The structure is located in Zone C. However, the lot would still be inundated by a flood having a one-percent chance of occurrence in any given year.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

**List of Subjects in 44 CFR Part 70**

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate



Director, State and Local Programs and Support)

Issued: May 27, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-17870 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Warner Robins, Georgia, Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Warner Robins, Georgia. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Warner Robins, Georgia, that certain structures are not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structures are not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program

(NFIP): P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 130111, Panel 0005 B published on October 6, 1980 in 45 FR 66063 indicates that the subdivision known as Modern Homesites, Inc. in Warner Robins, Georgia, as recorded in Plat Book 14, Page 259 in the Clerk's Office, Houston County, Georgia, is located within the Special Flood Hazard Area.

Map Number H & I 130111, Panel 0005 B is hereby corrected to reflect that the existing structures located on the subdivision known as Modern Homesites, Inc. are not within the Special Flood Hazard Area. The existing structures are located in Zone C. However, the subdivision would still be inundated by a flood having a one-percent chance of occurrence in any given year.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 15, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-17871 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-6048]

#### Letter of Map Amendment for the Unincorporated Area of Cook County, Illinois, Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Unincorporated Area of Cook County, Illinois. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Area of Cook County, Illinois, that portions of certain property are not within the Special Flood Hazard Area.

This map amendment, by establishing that portions of the subject property are not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for those portions as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 170054, Panel No. 0040B, published on May 2, 1981, in 46 FR 26307, indicates that portions of a parcel of land, located in the Southwest Quarter of Section 12, Township 42 North, Range 10 East of the Third Principal Meridian, also identified on Tax Map No. 42-10-12F as Parcels Nos. 2-12-300-008 and 2-12-300-013, being a portion of the lands recorded as Document No. 23 667 268, in the Office

of the Recorder of Deeds of Cook County, Illinois, are located within the Special Flood Hazard Area.

Map No. 170054, Panel No. 0040B, is hereby corrected to reflect that the portions of the above-mentioned property that are presently at or above elevation 723.0 feet National Geodetic Vertical Datum (NGVD) as shown on the topographic drawing entitled: Portion of Section 12, T. 42 N., R. 10 E., Cook County, Illinois, dated May 15, 1979, prepared by Chicago Aerial Survey, are not within the Special Flood Hazard Area identified on April 15, 1981. The portions of the property which are presently at or above the above-mentioned elevation are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 F.R. 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 28, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17872 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of South Beloit, Illinois, Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final Rule, Map Correction.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the

City of South Beloit, Illinois. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of South Beloit, Illinois, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that portions of the subject property are not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for those portions as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 170725, Panel No. 0001B, published on October 6, 1980, in 45 FR 66075, indicates that a parcel of land located in the southeast quarter of Section 6 and the northeast quarter of Section 7, T 46 N, R 2 East of the Third Principal Meridian, City of South Beloit, Winnebago County, Illinois, shown and designated as Lots Nos. 1 through 9 and a portion of the Softball Park on the drawing entitled: Proposed South Beloit Industrial Park, dated October 28, 1980, prepared by R. H. Batterman and Company, Inc., Beloit, Wisconsin, being a portion of the lands recorded as Document No. 1435712 in the Office of the Recorder of Deeds of Winnebago County, Illinois, is located within the Special Flood Hazard Area.

Map No. 170725, Panel No. 0001B, is hereby corrected to reflect that the

portions of the above-mentioned property that are presently above the 100-year Base Flood Elevations (BFE's) which vary from elevation 735.5 feet National Geodetic Vertical Datum (NGVD) at the upstream end of the above-mentioned Lot No. 2 to elevation 735.1 feet NGVD at the downstream end of the above-mentioned Lot No. 3 as shown on the drawing entitled: Proposed South Beloit Industrial Park, dated October 28, 1980, prepared by R. H. Batterman and Company, Inc., are not within the Special Flood Hazard Area identified on January 2, 1980. The portions of the property which are presently at or above the above-mentioned elevations are in both Zone B and Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 F.R. 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 28, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17873 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-6002]

#### Letter of Map Amendment for the City of Des Moines, Iowa Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps

identifying Special Flood Hazard Areas have been published. This list included the City of Des Moines, Iowa. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for City of Des Moines, Iowa, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 190227 Panel 0006B, published on March 5, 1981, in 46 FR 15289, indicates that Lot 4, Block 9, Allen's Second Addition; Lot 2, Block 61, Town of De Moine; Lots 9 and 10; Block 63, Town of De Moine; and the South 1 foot of Lot 7 and all of Lot 8, Block 73, Town of De Moine, Des Moines, Iowa, as recorded in Book 5124, Page 324; Book 5134, Page 388; Book 5124, Page 322; and Book 5131, Page 352, respectively, in the Office of the Recorder, Polk County, Iowa are located within the Special Flood Hazard Area.

Map No. H & I 190227 Panel 0006B is hereby corrected to reflect that the above mentioned properties are not within the Special Flood Hazard Area

identified on February 4, 1981. These lots are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

**Lists of Subjects in 44 CFR Part 70**

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: June 15, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17874 Filed 6-30-82; 8:45 am]

**BILLING CODE 6718-03-M**

**44 CFR Part 70**

**[Docket No. FEMA-5909]**

**Letter of Map Amendment for Lafayette Parish, Louisiana Under National Flood Insurance Program**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Lafayette Parish, Louisiana. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Lafayette Parish, Louisiana, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related

financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 220101 Panel 0080B, published on October 6, 1980, in 45 FR 66092, indicates that Plaza Village Condominiums, Phases I and II, Lafayette, Louisiana, recorded as File No. 82-001831 and File No. 82-012247, respectively, in the Office of the Clerk, Lafayette Parish, Louisiana, are located within the Special Flood Hazard Area.

Map No. H & I 220101 Panel 0080B is hereby corrected to reflect that the existing structures located on the above mentioned property are not within the Special Flood Hazard Area identified on August 1, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

**List of Subjects in 44 CFR Part 70**

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: June 15, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-11875 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA-6139]

#### 44 CFR Part 70

[Docket No. FEMA-6139]

#### Letter of Map Amendment for the City of Sterling Heights, Michigan Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Sterling Heights, Michigan. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Sterling Heights, Michigan, that portions of a certain parcel are not within the Special Flood Hazard Area.

This map amendment, by establishing that portions of the subject parcel are not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for those portions as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that

no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 260128, Panel No. 0015E, published on September 25, 1981, in 46 F.R. 47226, indicates that portions of a parcel of land located in the Southwest Quarter of Section 24, Township 2 North, Range 5 East, City of Sterling Heights, Macomb County, Michigan, being a portion of lands recorded in Liber 3044, Pages 575 through 583, in the Office of the Recorder of Macomb County, Michigan, are located within the Special Flood Hazard Area.

Map No. 260128, Panel No. 0015E, is hereby corrected to reflect that the portions of the above-mentioned parcel that are presently outside the limits of the regulatory floodway of Plum Brook Drain and are at or above 602.8 feet National Geodetic Vertical Datum (NGVD) as shown on a portion of the drawing entitled: Proposed Flood Hazard Boundary Map Amendment-Schoenherr Road and Plum Brook Drain-Section 24, Sheet 1 of 1, dated March 8, 1982, prepared by the City of Sterling Heights, certified and submitted by James R. Ball, P.E., March 16, 1982, are not within the Special Flood Hazard Area identified on August 3, 1981. The portions of the property which are presently outside the regulatory floodway and at or above the above-mentioned elevation are in Zone B and Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44

F.R. 19367; and delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: May 28, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17849 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA-6139]

#### 44 CFR Part 70

#### Letter of Map Amendment for the City of Trenton, Mich., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Trenton, Michigan. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Trenton, Michigan, that certain structures are not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structures are not within the Special Flood Hazard Area, removes or reinforces the requirement to purchase flood insurance for those structures as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or

broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

The map amendments listed below are in accordance with § 70.7(b):

Map No. 260244, Panel No. 0003B, published on September 25, 1981, in 46 FR 47227, indicates that the residential structures located on Lot No. 95 and Lots Nos. 142 through 145, Brookview Park Subdivision No. 2, City of Trenton, Wayne County, Michigan, as recorded in Liber 86, Page 99, in the Office of the Register of Deeds of Wayne County, Michigan, are located within the Special Flood Hazard Area.

In addition, Map No. 260244, Panel No. 0003B, indicates that the residential structures located on Lot No. 98 and Lots Nos. 132 through 141, of the above-mentioned property, are located in Zone B.

Map No. 260244, Panel No. 0003B, is hereby corrected to reflect that the residential structures on Lot No. 95 and Lots Nos. 143 and 144, are not located within the Special Flood Hazard Area identified on August 17, 1981. The residential structures are in Zone C.

Furthermore, Map No. 260244, Panel No. 0003B, is hereby corrected to reflect that the residential structures located on Lot No. 98 and Lots Nos. 132 through 142 are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 28, 1982.

Lee M. Thomas,  
Associate Director, State and Local Programs  
and Support.

[FR Doc. 82-17851 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-6139]

#### Letter of Map Amendment for the City of Trenton, Mich., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Trenton, Michigan. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Trenton, Michigan, that certain structures are not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structures are not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for those structures as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner for maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034, Phone: (800) 638-6620 toll free.

The map amendments listed below are in accordance with § 70.7(b):

Map No. 260244, Panel No. 0003B, published on September 25, 1981, in 46 FR 47227, indicates that the residential structures located on Lot No. 95 and Lots Nos. 142 through 145, Brookview Park Subdivision No. 2, City of Trenton, Wayne County, Michigan, as recorded in Liber 82, Page 99, in the Office of the Register of Deeds of Wayne County, Michigan, are located within the Special Flood Hazard Area.

In addition, Map No. 260244, Panel No. 0003B, indicates that the residential structures located on Lot No. 98 and Lots Nos. 132 through 141, of the above-mentioned property, are located in Zone B.

Map No. 260244, Panel No. 0003B, is hereby corrected to reflect that the residential structures on Lot No. 95 and Lots Nos. 143 and 144, are not located within the Special Flood Hazard Area identified on August 17, 1981. The residential structures are in Zone C.

Furthermore, Map No. 260244, Panel No. 0003B, is hereby corrected to reflect that the residential structures located on Lot No. 98 and Lots Nos. 132 through 142 are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 F.R. 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 1, 1982.

Lee M. Thomas,  
Associate Director, State and Local Programs  
and Support.

[FR Doc. 82-17852 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA-6139]

**44 CFR Part 70****Letter of Map Amendment for the City of Trenton, Mich., Under National Flood Insurance Program****AGENCY:** Federal Emergency Management Agency.**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Trenton, Michigan. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Trenton, Michigan, that certain structures are and certain structures are not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structures are and are not within the Special Flood Hazard Area, removes or reinforces the requirement to purchase flood insurance for those structures as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 260244, Panel No. 0004B, published on September 25, 1981, in 46 FR 47227, indicates that the residential

structures located on Lots Nos. 30 through 33 and Lots Nos. 47 and 63, Bates Meadows Subdivision, City of Trenton, Wayne County, Michigan, as recorded in Liber 77 of Plats, Pages 16 and 17, in the Office of the Register of Deeds of Wayne County, Michigan, are located within the Special Flood Hazard Area.

In addition, the above-mentioned Map and Panel Number indicates that the residential structures located on Lots Nos. 101 through 104 of the above-mentioned property are located in Zone C.

Map No. 260244, Panel No. 0004B, is hereby corrected to reflect that the residential structures located in Lots Nos. 30 through 33 and Lots Nos. 47 and 63 are not within the Special Flood Hazard Area identified on August 17, 1981. The structures are in Zone B.

Furthermore, the above-mentioned Map and Panel Number is hereby corrected to reflect that the residential structure located on Lot No. 104 is in Zone A and the residential structures located on Lots Nos. 101 through 103 are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

**List of Subjects in 44 CFR Part 70**

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 1, 1982.

**Lee M. Thomas,**

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17853 Filed 6-30-82; 8:45 am]

**BILLING CODE 6718-03-M**

[Docket No. FEMA-5909]

**44 CFR Part 70****Letter of Map Amendment for St. Louis County, Mo., Under National Flood Insurance Program****AGENCY:** Federal Emergency Management Agency.**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Louis County, Missouri. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Louis County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290327 Panel 0150A, published on October 6, 1980, in 45 FR 66107, indicates that Lot 17, The Woodlands Business Park, St. Louis



County, Missouri, as recorded in Book 199, Pages 68 through 71, in the Office of the Recorder, St. Louis County, Missouri, is located within the Special Flood Hazard Area.

Map No. H & I 290327 Panel 0150A is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on September 15, 1978. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 15, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17850 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-6237]

#### Letter of Map Amendment for the City of Buffalo, N.Y. Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Buffalo, New York. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map

for the City of Buffalo, New York, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP): P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H and I 360230, Panel 0020 B published on January 25, 1982 in 47 FR 3355 indicates that Lot 21 of Harbour Pointe, being a portion of the Waterfront Village, Part II in the City of Buffalo, New York, as recorded in the Office of the Clerk of Erie County under Map Cover Number 2433, is located within the Special Flood Hazard Area.

Map No. H & I 360230, Panel 0020 B is hereby corrected to reflect that the existing structures on Lot 21 are not within the Special Flood Hazard Area identified on November 18, 1981. The structures are located in Zone B. However, portions of the lot would still be inundated by a flood having a one-percent chance of occurrence in any given year.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities.

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70.

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 7, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17854 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Claremore, Okla., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Claremore, Oklahoma. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Claremore, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E. Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to



purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 405375 Panel 0005D, published on October 6, 1980, in 45 FR 66095, indicates that a 101 Unit Elderly Section-8 New Housing Project, OK-56-0011-001, located on a 3.2960 acre tract of land in the NW¼ of the NE¼ of the NE¼ of Section 8, T21N, R16E, Claremore, Oklahoma, recorded as Instrument Number 4678 in Book 578, Pages 353 and 354, in the Office of the Clerk, Rodgers County, Oklahoma, is located within the Special Flood Hazard Area.

Map No. H & I 405375 Panel 0005D is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on January 19, 1982. This property is in Zone B.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 26, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17855 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Tulsa, Okla., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final Rule, Map Correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E. Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 405381D Panel 82, published on October 6, 1980, in 45 FR 66095, indicates that Lot 1, Potts Addition, Tulsa, Oklahoma, recorded as Plat No. 1212, Record No. 658133, in the Office of the County Clerk, Tulsa County, Oklahoma, is located within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 82, is hereby corrected to reflect that the above mentioned lot is not within the Special Flood Hazard Area identified on August 14, 1979. This lot is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 15, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17856 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5923]

#### Letter of Map Amendment for the Township of Falls, Pennsylvania Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the

Township of Falls, Pennsylvania. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Falls, Pennsylvania, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 420188, Panels Nos. 0002A and 0005A, published on October 21, 1980, in 45 F.R. 69451, indicates that a parcel of land known as GROWS Landfill, being a portion of Tracts Nos. 19, 20, and 21, Township of Falls, Bucks County, Pennsylvania, as recorded in Deed Book 573, Pages 21 through 23, in the Office of the Recorder of Deeds of Bucks County, Pennsylvania, is located within the Special Flood Hazard Area.

Map No. 420188, Panels Nos. 0002A and 0005A, are hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on September 30, 1980. The property is in Zone B and Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom

authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 F.R. 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 28, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17857 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5977]

#### Letter of Map Amendment for Greenville County, S.C., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Greenville County, South Carolina. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Greenville County, South Carolina, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards

Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The Map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 450089, Panel 0215 A published on January 23, 1981 in 46 FR 7352 indicates that a proposed subdivision known as Holland Place in Greenville County, South Carolina, being a portion of a parcel of land recorded in Volume 1064 at Page 155 in the Office of the County Register of Mesne Conveyance, Greenville County, South Carolina, is located within the Special Flood Hazard Area.

Map Number H & I 450089, Panel 0215 A is hereby corrected to reflect that Lots 23 through 31 of the above-mentioned property are not within the Special Flood Hazard Area. The lots are located in Zone C.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate

Director, State and Local Programs and Support)

Issued: June 15, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17858 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for Hamilton County, Tenn., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Hamilton County, Tennessee. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Hamilton County, Tennessee that certain property is and is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is and is not within the Special Flood Hazard Area, removes or reinforces the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

#### SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program

(NFIP): P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H and I 470071, Panel 0125 A, published on October 6, 1980 in 45 FR 66071 indicates that the existing structures on Lots 146 through 149 and 171 through 174 of the Subdivision known as Sterling Park, Unit V as recorded in Plat Book Number 26, Page 63 in the Hamilton County Clerk's Office are located within the Special Flood Hazard Area.

In addition, the above-mentioned Map and Panel Number indicates that the existing structures located on Lots 138, 139, 142 and 143 of the above-mentioned property are located in Zone B and that the existing structures located on Lot 141 is in Zone C.

Map No. H and I 470071, Panel 0125 A is hereby corrected to reflect that the existing structures located on Lots 146, 148, 149 and 171 through 174 are not within the Special Flood Hazard Area. The structures are located in Zone B. Portions of these lots would still be inundated by the base flood. Lot 147 is located completely in Zone B.

Furthermore, the above-mentioned Map and Panel Number is hereby corrected to reflect that the existing structures located on Lots 138, 139 and 141 through 143, are in Zone A9.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 27, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17859 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Abilene, Tex., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Abilene, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for City of Abilene, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E. Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

#### SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485450 Panel 0020B, published on October 6, 1980, in 45 FR 66097, indicates that Lots 13 and 14, Block F, proposed Quail Park, Section 3,

being 17.81 acres of land out of Lot 7, Anderson and Berry Subdivision of the A. Thompson Survey No. 37, Abilene, Texas, as recorded in Volume 1138, Pages 901 and 902, in the Office of the Clerk, Taylor County, Texas, are located within the Special Flood Hazard Area.

Map No. H & I 485450 Panel 0020B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on August 23, 1979. These lots are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

##### Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 27, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17860 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Arlington, Texas, Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final Rule, Map Correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arlington, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical

review of the Flood Insurance Rate Map for the City of Arlington, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485454 Panel 0020B, published on October 6, 1980, in 45 FR 66097, indicates that Lots 16 through 22, Block 14; Lot 28, Block 17; Lots 1 and 2, Block 18, and Lots 1 through 10 and 34 through 41, Block 19, Spring Valley, Fourth Section, Arlington, Texas, as recorded in Volume 338-150, Page 1, in the Office of the County Clerk, Tarrant County, Texas, are located within the Special Flood Hazard Area.

Map No. H & I 485454 Panel 0020B is hereby corrected to reflect that the above mentioned lots with the exception of the area designated for 40' Drainage and Utility Easement as shown on the Recorded Plat Map cited above, are not within the Special Flood Hazard Area identified on June 20, 1980. These lots are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies

that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

##### Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 26, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17861 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Richardson, Texas, Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Richardson, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Richardson, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency

Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480184 Panel 0015B, published on October 6, 1980, in 45 FR 66100, indicates that Lot 7, Block 125, Eleventh Installment of Richardson Heights Addition, Richardson, Texas, recorded as Instrument No. 199389 in Volume 40, Page 205 of Plats, in the Office of the County Clerk, Dallas County, Texas, is located within the Special Flood Hazard Area.

Map No. H & I 480184 Panel 0015B is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on December 4, 1979. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: June 7, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17862 Filed 6-30-82 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Lander, Wyoming, Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final Rule, Map Correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Lander, Wyoming. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Lander, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 560020 Panel 0005D, published on October 6, 1980, in 45 FR 66115, indicates that Lots 6 and 7, Block 2, Plat of the Squaw Creek Addition Replat, Lander, Wyoming, recorded as Document No. 1017015 in MF Drawer 2, Page 80, in the Office of the Clerk and Recorder, Fremont County, Wyoming, are located within the Special Flood Hazard Area.

Map No. H & I 560020 Panel 0005D is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on January 19, 1982. These lots are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: June 15, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17863 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

##### 46 CFR Ch. I

[CGO 82-072]

##### Editorial Name Change

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Inter-Governmental Maritime Consultative Organization (IMCO) officially changed its name to the International Maritime Organization (IMO) on May 22, 1982. This amendment revises the references to IMCO in Title 46 CFR Chapter I to reflect the current name of the organization.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant Commander James W. Gormanson, Office of Merchant Marine Safety (G-MTH-1/14), Room 1405, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-1217).

**SUPPLEMENTARY INFORMATION:** Since the editorial change is due to the name change of an international organization which is beyond the control of this agency, notice and public procedure thereon are unnecessary under 5 U.S.C. 553(b)(3)(B). This amendment is effective immediately under 5 U.S.C. 553(d) because it is not a substantive rule. The Coast Guard has determined that this rule—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The Coast Guard certifies that this amendment will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Accordingly, Chapter I of Title 46 of the Code of Federal Regulations are amended as follows:

1. By amending Chapter I of Title 46, striking the words:

"Inter-Governmental Maritime Consultative Organization;"

"Inter-governmental Maritime Consultative Organization;"

"Intergovernmental Maritime Consultative Organization;" and inserting "International Maritime Organization (IMO, formerly Inter-Governmental Maritime Consultative Organization or IMCO)."

2. By amending Chapter I of Title 46, striking the word "IMCO" and inserting "IMO."

Dated: June 25, 1982.

L. N. Hein,  
Captain, U.S. Coast Guard, Acting Chief,  
Office of Merchant Marine Safety.

**46 CFR Parts 1, 10, 12 and 187**

[CGD 82-033]

**Establishment of Regional Examination Centers for Issuance of Merchant Marine Licenses and Certificates**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending its regulations by establishing sixteen (16) Regional Examination Centers (RECs) for Licensing and Certification of Seamen on July 1, 1982. These RECs will be the only issuing locations for those licenses or certificates required. This action is required because present and foreseeable budgetary and personnel limitations no longer permit the administration of this function at the location of every Officer in Charge, Marine Inspection.

**EFFECTIVE DATE:** This amendment becomes effective on July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Commander Scott D. McCowen, Office of Merchant Marine Safety, Merchant Vessel Personnel Qualifications Branch (G-MVP-3/14), Room 1400G, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202-426-2240).

**SUPPLEMENTARY INFORMATION:** A Notice of Proposed Rulemaking was published in the Federal Register of May 3, 1982 (85 FR 18929) which invited comments for 30 days ending June 3, 1982. Interested persons were requested to submit comments and 84 comments were received.

**Discussion of Comments**

A total of 10 comments requested a public hearing on the proposal. It is believed that the public hearings would serve little additional purpose in that the nature of the written comments submitted by those requesting a public hearing was generally a protest on the curtailment of Coast Guard service and no alternate suggestions (other than to keep certain licensing/certification offices open) were offered.

Comments were received from various sources including private individuals, educational, business, labor, and governmental organizations. Only one comment endorsed the proposal; the remainder varied from modified approval to complete opposition. Those comments expressing complete opposition generally directed their comments to a particular geographic area where an existing licensing/certification facility is scheduled to be

closed. Again, the majority of comments failed to offer an alternate or modified program which would enable the Coast Guard to remain within its budget/personnel restrictions in the discharge of this program.

Of these comments offering alternate solutions, two suggested the establishing of locations at which examinations could be monitored. The Coast Guard agrees with this concept to the degree it would be limited to locations where statistical and probable future development indicate an adequate volume of transactions to support the expense of maintaining a complement of 1 or 2 monitors as opposed to the expenses associated with the use of a Traveling Examination Team (TET). At present, two (2) locations—Norfolk, Virginia and San Diego, California are considered appropriate for this treatment. The operation of these monitoring facilities will be restricted to the administration of examinations for licenses (other than the "unlimited" licenses) and certificates, with the administrative processing of applications, examination grading, and license/certificate issuance through an REC. Other locations may be ultimately established as monitor facilities (suggested locations being the Great Lakes and river areas); however, the historic volume from these areas does indicate at present that they can be adequately served through the REC or Traveling Examination Teams.

A total of 67 comments touched on the inconvenience/expense factor applicants for licenses or certificates would have to absorb. The Coast Guard does not dispute this claim, but will implement modified administrative procedures (primarily through use of the mails, group examinations, and monitoring facilities) to minimize these factors.

Four comments specifically addressed a perceived inconvenience in relation to license renewals. Again, converting this type of transaction to a primarily mail operation should help.

Five comments addressed the use of Traveling Examination Teams (TETs). In general they agreed that it is a good proposal for schools and other organizations/associations, etc., which could gather a group of sufficient size to be considered for such service. Their concerns centered on individuals who are not so associated. It is the Coast Guard's experience that a majority of examination candidates do utilize some type of pre-examination preparation through training institutions, upgrading programs, etc. We recognize that those who opt for self study or a



correspondence course type preparation will probably have to go to a REC or monitoring facility. However, we cannot justify maintaining examination capability at all OCMI offices to serve those applicants. The Coast Guard perceives no specific number of candidates needed to request the service of a TET, but suggests that ten (10) would be a minimum. Recognizing this aspect as being a highly local consideration, no specifics will be stipulated to the RECs. Two comments requested periodic visits, perhaps on a quarterly basis, to outlying areas.

Again, this is considered to be a matter of local (REC) judgment. One comment suggested that travel money for the TETs would probably be one of the first areas of reduction in the event of future budget constrictions. Under the REC concept, travel by the TETs is considered an operational element rather than an administrative activity. Therefore, this travel is considered to be a relatively high priority budget item. One comment proposed that the TETs be made an integral part of the regulations. The Coast Guard does not agree with this proposal, as such action would tend to possibly reduce the efficiency and responsiveness it is desired to impart to this operation. One comment questioned if any restrictions would be placed on the types of examinations that would be administered by the TETs. Ideally, all examinations administered to a particular group would be of the same type, though this is not a necessity. As long as prior arrangements are made with the REC, any type of examination may be administered by a TET at a particular instance.

Nine comments address various aspects of REC administration. A digest of their general questions or areas of concern is as follows:

#### **Physical Facilities**

Several comments questioned the ability of the designated REC locations to absorb additional candidates due to size of examination rooms, etc. The REC designated ports have submitted their space needs (based on projected increases in workload) and by inception date (July 1, 1982) will have generally completed the necessary reconfiguration or relocation. The only notable exception is at REC Miami, which will be hopefully resolved by September 1, 1982. Until resolution of this problem, limited licensing/certification activities will be continued at Tampa and San Juan. The expense of the reconfiguration/location is considered to be a one-time-only cost and should be recouped within 1 to 2 years. Another

factor which reduced the cost of the physical facilities is the anticipated use of the TETs.

#### **Examination Appointments**

Examination appointments are considered necessary to insure an orderly operation of an REC. A number of existing offices use a "standby" system, for use in the case of "no-shows", and to fill the place of unsuccessful candidates. It is contemplated the standbys will fill the vacancies created through failure(s) as they occur rather than just leaving a vacant space for an unnecessarily long period of time.

#### **Mail Transactions**

It is contemplated that much of the processing of applications for licenses/certificates will be done by mail, including the processing of applications for: original or up-graded certificates, original/upgraded licenses, and license renewals. This procedure will save time and money on the part of both the applicant and the Coast Guard and will reduce the time a candidate must spend away from his regular employment to that necessary to complete the examination.

#### **Examination Scheduling**

The upper level ("unlimited") licenses are presently given on a once a month basis. This will be expanded in the future to twice a month. Since these scheduled examinations take priority, some restriction on the lower level license applicants does exist and will continue to exist if their desired examination date does coincide with the upper level license test dates. A twice monthly schedule should ease this situation since, as long as space is available, the remaining vacancies in the exam room can be filled with other level license/certificate candidates.

#### **Stability of Program Administrators**

This problem was recognized in the preamble to the Notice of Proposed Rulemaking (NPRM) on this proposal. As explained in the NPRM, a REC core group is being established to be the professional cadre dealing with this function.

#### **Examination Grading**

Two comments addressed this aspect of operation, one being in favor of local grading of all examinations, the other opposed. Opposition was based on an increased chance of error (on the part of the examiner) and the contention that poor questions would not be quickly removed from the examinations. The Coast Guard does not feel that these are

particularly valid objections in that the examiner(s) will be particularly careful in grading a marginal candidate, and all the answer sheets for Coast Guard Institute prepared multiple-choice type examinations are periodically submitted to the Institute for analysis and review.

#### **Miscellaneous Considerations**

Two comments addressed various other general aspects of the regulations concerning the licensing/certification program. These centered on regulations applicable to particular licenses and certain administrative procedures. As these comments are not considered germane to this particular rulemaking, they will not be addressed.

One comment addressed the wording of the proposed regulations themselves. Concern was expressed that the proposed wording would indicate the licensing and certification functions would be performed only at the particular physical location of an REC which would then make the status/authority of the TETs questionable. The Coast Guard does not share this view. The TETs operate in the name of, and under the authority of, the Officer in Charge, Marine Inspection (OCMI), of the REC location, and this fact is so indicated on any license or certificate issued, irrespective of the fact the particular examination was administered at a location removed from the physical location/city of the OCMI office.

#### **Evaluation and Regulatory Flexibility Analysis**

This regulation is not considered to be significant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT ORDER 2100.5 of 5-22-80). A final evaluation has been prepared and has been included in the public docket. A copy of the final evaluation may be obtained from Commandant (G-CMC/44), (CGD 76-193a) U.S. Coast Guard, Washington, D.C. 20593. As explained more fully in the evaluation and in the Notice of Proposed Rulemaking, this rule is expected to result in the reduction of 54 employees positions and annual savings to the government of approximately \$850,000. The estimated additional cost to individuals seeking licenses/certificate is \$136.00. Although comments were received on this cost analysis, primarily in regard to individual expenses, nothing has been presented which would substantially alter this estimate. The regulation has been evaluated under the Regulatory Flexibility Act. Pub. L. 96-354 (94 Stat.



1164) and is certified as having no significant economic impact on a substantial number of small entities.

#### List of Subjects

##### 46 CFR Part 1

Administrative practice and procedure, Organization and functions (Government agencies).

##### 46 CFR Part 10

Seaman.

##### 46 CFR Part 12

Seaman.

##### 46 CFR Part 187

Passenger vessels, Seaman.

In consideration of the foregoing, Parts 1, 10, 12, and 187 of the Code of Federal Regulations are amended as follow:

#### PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

1. By adding a note following § 1.05(b) to read as follows:

##### § 105. [Amended]

\* \* \* \* \*

**Note.**—Licensing and Certification functions are performed only by the Officer in Charge, Marine Inspection, at the following locations:

Boston, MA	St. Louis, MO
New York, NY	Toledo, OH
Baltimore, MD	Long Beach, CA
Charleston, SC	San Francisco, CA
Miami, FL	Seattle, WA
New Orleans, LA	Anchorage, AK
Houston, TX	Juneau, AK
Memphis, TN	Honolulu, HI

Where the term "Officer in Charge, Marine Inspection", or "Marine Inspection Office" is

used within the context of Parts 10, 12 or 187 of this chapter, it is understood to mean that particular "Officer" or "Office" at one of the above listed locations.

#### PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

2. By adding § 10.01-7, to read as follows:

##### § 10.01-7 Regional Examination Centers.

Licensing and Certification functions are performed only by the Officer in Charge, Marine Inspection, at the following locations:

Boston, MA	St. Louis, MO
New York, NY	Toledo, OH
Baltimore, MD	Long Beach, CA
Charleston, SC	San Francisco, CA
Miami, FL	Seattle, WA
New Orleans, LA	Anchorage, AK
Houston, TX	Juneau, AK
Memphis, TN	Honolulu, HI

Where the term "Officer in Charge, Marine Inspection", or "Marine Inspection Office" is used within the context of this part it is to mean "Officer" or "Office" at one of the above listed locations.

#### PART 12—CERTIFICATION OF SEAMEN

3. By adding § 12.01-7, to read as follows:

##### § 12.01-7 Regional Examination Centers.

Licensing and Certification functions are performed only by the Officer in Charge, Marine Inspection, at the following locations:

Boston, MA	New Orleans, LA
New York, NY	Houston, TX
Baltimore, MD	Memphis, TN
Charleston, SC	St. Louis, MO
Miami, FL	Toledo, OH

Long Beach, CA  
San Francisco, CA  
Seattle, WA

Anchorage, AK  
Juneau, AK  
Honolulu, HI

Where the term "Officer in Charge, Marine Inspection", or "Marine Inspection Office" is used within the context of this part it is to mean that "Officer" or "Office" at one of the above listed locations.

#### PART 187—LICENSING

4. By adding § 187.01-5, to read as follows:

##### § 187.01-5 Regional Examination Centers.

The licensing function is performed only by the Officer in Charge, Marine Inspection, at the following locations:

Boston, MA	St. Louis, MO
New York, NY	Toledo, OH
Baltimore, MD	Long Beach, CA
Charleston, SC	San Francisco, CA
Miami, FL	Seattle, WA
New Orleans, LA	Anchorage, AK
Houston, TX	Juneau, AK
Memphis, TN	Honolulu, HI

Where the term "Officer in Charge, Marine Inspection", or "Marine Inspection Office" is used within the context of this part it is to mean that "Officer" or "Office" at one of the above listed locations.

(R.S. 4438 as amended (46 U.S.C. 224); c 258, sec. 3, 70 Stat. 152, as amended, (46 U.S.C. 390b); R.S. 4417a, as amended (46 U.S.C. 391a); c. 155, sec. 17, 54 Stat. 166, as amended (46 U.S.C. 526p); sec. 6(b), 80 Stat. 938 (49 U.S.C. 1655(b)); 49 CFR 1.46(b), unless otherwise noted)

Dated: June 28, 1982.

**L. N. Hein,**  
*Captain, U.S. Coast Guard, Acting Chief,  
Office of Merchant Marine Safety.*

[FR Doc. 82-17938 Filed 6-30-82; 8:45 am]

**BILLING CODE 4910-14-M**

# Proposed Rules

Federal Register

Vol. 47, No. 127

Thursday, July 1, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1207

#### Potato Research and Promotion Plan; Proposed Expenses and Rate of Assessment

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rulemaking.

**SUMMARY:** This notice invites written comments on proposed expenses for the functioning of the National Potato Promotion Board. It would enable the Board to collect assessments from designated handlers on assessable potatoes and to use the resulting funds for its expenses.

**DATES:** Comments due by July 16, 1982.

**ADDRESSES:** Comments should be sent to: Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250, (202) 447-2615. The Draft Impact Analysis relating to this proposed rule is available upon request from Mr. Porter.

#### SUPPLEMENTARY INFORMATION:

Information collection requirements contained in this regulation (7 CFR Part 1207) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581-0093.

This proposed rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has

determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR 1207). This program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

#### List of Subjects in 7 CFR Part 1207

Administrative practice and procedure, Marketing agreements, Advertising, Agricultural research, Potatoes.

#### PART 1207—POTATO RESEARCH AND PROMOTION PLAN

It is proposed that § 1207.410 (46 FR 48116, October 1, 1981) be removed and § 1207.411 be added as follows:

#### § 1207.411 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1982, and ending June 30, 1983, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to \$2,470,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent (\$0.01) per hundredweight of assessable potatoes handled by such person during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

(Title III of Pub. L. 91-670; 84 Stat. 2041; 7 U.S.C. 2611-2627)

Dated: June 28, 1982.

William T. Manley,  
Deputy Administrator, Marketing Program Operations.

[PR Doc. #2-17930 Filed 6-30-82; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 82-AWP-13]

#### Proposed Establishment of Control Zone, Camp Pohakuloa, Hawaii

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to designate a control zone at Bradshaw Army Airfield (AAF), Pohakuloa, Hawaii, in order to provide controlled airspace for aircraft executing new instrument approach procedures to Bradshaw Army Airfield (AAF) utilizing the Bradshaw AAF, Nondirectional Radio Beacon (NDB).

**DATES:** Comments must be received on or before July 26, 1982.

**ADDRESSES:** Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWP-530, 15000 Aviation Boulevard, Lawndale, California 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6270.

**FOR FURTHER INFORMATION CONTACT:** Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; Telephone (213) 536-6182

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or

before July 26, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested parties.

#### Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWP-530, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

#### The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a control zone for Pohakuloa, Hawaii. This action will provide controlled airspace for aircraft utilizing IFR procedures to and from Bradshaw AAF.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished in advisory Circular AC 70-3 dated January 29, 1982, as follows:

Pohakuloa, Hawaii.

Within a 5-mile radius of Bradshaw AAF (latitude 19°45'47" N., longitude 155°33'24" W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a

routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California, on June 16, 1982.

Richard L. Devereaux,  
Acting Director, Western-Pacific Region.

[FR Doc. 82-17716 Filed 6-30-82; 8:45 am]

BILLING CODE 4910-13-M

### CIVIL AERONAUTICS BOARD

#### 14 CFR Part 253

[EDR-444; Docket 40772; Dated: June 15, 1982]

#### Terms of Contract of Carriage

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The CAB is considering whether to set disclosure requirements for airlines that incorporate by reference some terms of their contracts of carriage with passengers, and thus to preempt from any State the entire area of what disclosure or notice of contract terms will be made to passengers. As of January 1, 1983, airlines will no longer file tariffs with the CAB containing the contract terms. The proposal responds to suggestions by industry representatives.

**DATES:** Comments by: August 2, 1982.

Reply comments by: August 9, 1982.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: July 12, 1982.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

**ADDRESSES:** Twenty copies of comments should be sent to Docket 40772, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Dyson, Associate General Counsel, Rules and Legislation, or Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

**SUPPLEMENTARY INFORMATION:** The

Airline Deregulation Act of 1978 (Pub. L. 95-504) eliminated, as of January 1, 1983, the filing with the Board of airline tariffs for domestic passenger transportation. Tariffs contain the terms of the contract by which an airline agrees to carry a passenger. Because tariffs are filed with an open to challenge by the government, passengers are conclusively presumed to know their terms. For that reason, the text of these terms does not have to be given to passengers, but the contract is assumed to incorporate the contents of applicable tariffs. This makes easy the use of uniform ticket stock by the airlines and travel agents, and simplifies the buying and using of airline tickets by passengers. On the other hand, very few passengers are aware of the availability of tariffs for their inspection, and even if they are, the format in which tariffs are presented makes them virtually impossible for laymen to use. The practical result is that passengers are only aware of those contract terms that carriers choose to disclose to them.

Starting in 1983, there will no longer be tariffs for domestic passenger travel, and airline contracts will be subject to the principles of law that apply to other types of business activity. Carriers may want to incorporate contract terms "by reference" to detailed documents that they do not regularly give to each passenger. Contract law requires, however, that both contracting parties receive reasonable notice of the contract terms. Carriers who attempt to incorporate terms without observing some basic protections may face serious questions of the fairness and even of the validity of airline contracts of carriage. Nevertheless, incorporation by reference appears to be important to the airlines.

For one thing, industry representatives feel that their contracts of carriage generally contain many terms that are of little interest to travelers in normal situations: for example, detailed requirements concerning baggage, rerouting, and amenities during delays. If these provisions were all spelled out in contracts given by each airline to passengers, they would be bulky and expensive documents that would burden travelers and make the ticketing, baggage handling, and boarding process more complicated than it is today. The Board has no evidence that the general public needs or wishes to receive this entire body of information with every flight.

Giving the entire contract to every passenger may complicate sales of transportation by travel agents on the many airlines now certificated. Interline travel would be even more complex, since different contract terms might

apply to the two or more carriers involved.

Airline representatives have suggested the need for legislation to deal with this problem, a copy of which has been placed in the docket of the proceeding. The Board is of the tentative opinion that uniform notice rules for incorporation by reference could, however, go far to meet the need without new legislation, and be issued under its authority to assure the provision of adequate service, and to protect passengers against unfair or deceptive practices.

Such uniform rules would also have the advantage of avoiding the possibility of differing and conflicting State and local laws governing the notice aspects of airline contracts. Within the limited area of contract disclosure requirements for scheduled passenger service in interstate and overseas air transportation, the Board would intend this rule to fully preempt State law. We solicit comment about whether this rule is necessary to achieve the goal of standard ticket stock, and whether it will provide or erode consumer protection.

#### Proposal

To solicit comments on these issues the Board has decided to propose a set of rules governing notice of terms incorporated by reference in contracts of carriage, to prevent any unfair or deceptive practices or methods of competition. The proposed rule would not determine the substance of the contract terms or their conscionability as determined by the courts, or prevent suits by passengers on the contract terms in either a State or Federal court. It would not specify the details of how the notice is to be written or presented. The proposed rule would thus intrude very little on the contracting process.

The primary proposal would apply only to direct U.S. air carriers providing scheduled passenger service in interstate and overseas air transportation, as defined in the Federal Aviation Act of 1958, with aircraft with more than 60 seats. Cargo carriers and indirect air carriers such as charter operators and freight forwarders do not now file tariffs. They and their customers have evidently adjusted to that contract environment, so for those categories there appear to be no reasons to impose new rules. Similarly, for local, non-interlining flights with small aircraft, the Board has exempted all air carriers from the filing of tariffs. For these operations, involving smaller amounts of money, shorter flights, simpler baggage handling, and generally fewer contingencies than large-aircraft

operations, the ending of domestic tariffs will have little or no effect. These proposed rules would therefore not apply to such operations.

Interline travel involving both large and small aircraft raises more complex issues. Small-aircraft operators who interline under joint-fare agreements usually file their fare tariffs, but their practice varies widely concerning the filing of "conditions of carriage" that are the main subject of this rulemaking. The board does not have information as to how carriers large or small intend to deal with conditions of carriage after domestic tariffs end. It may be, for example, that the conditions established by the ticketing carrier will apply to an entire interline trip, regardless of the identity of the other interlining carriers. The Board is tentatively inclined to exempt small-aircraft operations from the proposed rules for all purposes. In the alternative, however, it proposes to include them for operations where they interline with large-aircraft operators, and comments are specifically requested on which application scheme would work best for all concerned.

The rule would provide that two types of notice must accompany any written document given to passengers that embodies their contracts, if the contract incorporates terms by reference. The airline would first give with the ticket "conspicuous" written notice that terms incorporated by reference are part of the contract, and that passengers may receive the full text of those terms. Second, because certain terms of a contract for carriage are important enough that they could cause passengers to change their travel plans, the proposed rule would require separate "conspicuous" written notice of those terms. They would include limitations on a carrier's liability, such as for baggage, limits on the time for making a claim against the airline, limits on the airline's obligation for refunds, and rules about such matters as check-in times and oversales. The notice for those terms would have to be of sufficient clarity and detail that passengers would be aware, or should reasonably be aware, of the main features of the terms. If the notice were not given as required, the airline could not use a term incorporated by reference to the disadvantage of the passenger. This approach tends to make the rule self-enforcing, and minimizes the need for government intervention. Remedies would be those under the governing contract law.

In addition to the required notice, airlines would have to make the full text of any term incorporated by reference in the contract of carriage available for

public inspection at their stations and locations for selling transportation. They would have to provide free of charge, upon the request of a passenger, a copy of that text.

Industry representatives have suggested that any such rule should include a provision for future non-documentary (e.g., electronic) ticketing or contracts. If a permanent non-written record were used to embody the contract, the written notices would have to be given passengers when the record was established, or prior to boarding, whichever is earlier.

The proposed rule also takes into account shuttle-type service, where a passenger is typically given only a boarding pass at the gate, with or without a reservation, and then pays for the transportation on the plane. In such a case, the proposed rule would require the specified written notices to be given passengers prior to boarding.

The rule would facilitate the use of standard ticket stock where contract terms are incorporated by reference. It would also serve the purpose of alerting travelers to the main things they should know when purchasing air travel.

Industry representatives should be aware that the Board has made no final decision on the need for a rule in this area. This proposal is intended to bring forth information on the industry need for such a rule, and on what alternatives the industry might adopt, with what costs and benefits, if the Board decides not to go forward with a final rule.

Since the Board is especially interested in determining what effect this proposed rule would have on the traveling public, we invite consumer groups to give us their views. Additionally, this rule, if adopted, would have significant effects on the interrelationship between State and Federal law. We will therefore serve and seek comments on this proposal from the National Association of Attorneys General, the Attorneys General, and consumer affairs offices of the several States.

After reviewing the comments received in response to this proposal, the Board will consider whether to hold a public meeting where interested persons can present their views orally.

#### Comment Period

In light of the need to decide this issue expeditiously, whether or not the Board adopts a rule, there is good cause for setting a comment period somewhat shorter than usual. The industry must prepare for, and the public should be made aware of, the changes that will occur as a result of the ending of

domestic tariffs on January 1, 1983. The initial comment closing date will therefore be 30 days after publication in the *Federal Register*, with reply comments due 7 days after that.

### Regulatory Flexibility Act

In accordance with 5 U.S.C.605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that none of the proposed changes will, if adopted, have a significant economic impact on a substantial number of small entities. The primary proposed rule would apply only to large aircraft operations and thus would not affect small air carriers. The alternative proposal would affect small carriers that interline with large aircraft operators. Its economic impact is not likely to be significant, however, because it would only involve possible minor changes in their ticketing procedures.

### List of Subjects in 14 CFR Part 253

Advertising, Air carriers, Air transportation, Claims, Consumer protection, Law, and Travel.

### Proposed Rule

The Civil Aeronautics Board proposes to amend 14 CFR Chapter II by adding a new Part 253, *Notice of Terms of Contract of carriage*, to read:

### PART 253—NOTICE OF TERMS OF CONTRACT OF CARRIAGE

Sec.

253.1 Propose.

253.2 Applicability.

253.3 Incorporation by reference in the contract of carriage.

253.4 Notice of incorporated terms.

253.5 Carriage without advance tickets.

Authority: Sec. 204, 404, 411, Pub. L. 85-726, as amended, 72 Stat. 743, 760, 769; 49 U.S.C. 1324, 1374, 1381.

#### § 253.1 Purpose.

The purpose of this part is to set disclosure requirements for any terms incorporated by reference into a contract of carriage for scheduled service in interstate and overseas passenger air transportation, in the absence of tariff filing requirements.

#### § 253.2 Applicability.

This rule applies to direct air carriers using aircraft with a passenger capacity of more than 60 seats engaged in interstate or overseas scheduled passenger air transportation, and all contracts with passengers by those air carriers for carriage in such air transportation.

### Alternate Proposal

To apply the rule also to all air carriers, regardless of aircraft size,

involved in single-ticket interlining trips involving at least one segment with over-60-seat aircraft.

#### § 253.3 Incorporation by reference in the contract of carriage.

(a) A ticket or other written instrument, or any non-written record that embodies the contract of carriage, that is used by an air carrier and that incorporates contract terms by reference (*i.e.*, without stating their full text), shall contain or be accompanied by notice to the passenger as required by this part. An air carrier may not claim the benefit, as against a passenger, of any contract term incorporated by reference, if adequate written notice of the term has not been provided according to this part.

(b) Each air carrier shall make the full text of each term or condition that it incorporates by reference in a contract of carriage available for public inspection at each location where its passenger transportation is sold.

(c) Each air carrier shall provide free of charge to passengers, upon their request, a copy of the full text of terms or conditions incorporated by reference in the contract of carriage.

#### § 253.4 Notice of incorporated terms.

Each air carrier shall include in or with the ticket, or other written instrument that embodies the contract of carriage given to a passenger—

(a) Conspicuous written notice that any terms incorporated by reference are part of the contract, and that passengers have the right, upon request, to receive free of charge the full text of each such incorporated term; and

(b) Conspicuous written notice of the following terms, described with sufficient clarity and detail that the passenger will be aware, or should reasonably be aware, of their main features:

(1) Limits on the air carrier's liability for loss of or damage to or delay of goods or baggage, delay or failure to perform services under the contract, or personal injury or death of passengers.

(2) Limits on the time for making a claim or bringing an action against the carrier for its acts or omissions or those of its agents.

(3) Limits on the carrier's obligation for refunds.

(4) Rights of the carrier to change any term of the contract, including the price.

(5) Rules concerning reservations, reconfirmations, check-in times, refusal of carriage, and oversales.

#### § 253.6 Carriage without advance tickets.

(a) If an air carrier offers passenger transportation where the contract of carriage is not made in advance of

boarding (*e.g.*, "shuttle" service where payment is made on board), the written notices required by this part shall be given to the passenger before boarding.

(b) If a permanent non-written record is used by a carrier to embody the contract of carriage, the written notices required by this part shall be provided to the passenger at the time and place such record is established, or before boarding, whichever is earlier.

(Secs. 204, 404, 411, Pub. L. 85-726, as amended, 72 Stat. 743, 760, 769; 49 U.S.C. 1324, 1374, 1381)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 82-17978 Filed 6-30-82; 8:45 am]

BILLING CODE 6320-01-M

### 14 CFR Part 262

[EDR-445; Docket 40773]

### Agreements Between Air Carriers and Foreign Countries

June 15, 1982.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The CAB is proposing to eliminate its present reporting requirement that every U.S. air carrier file with the Board evidence of each agreement involving operating rights between the air carrier and any foreign country. The agreements are rarely used and are unnecessary for the Board's enforcement duties. This rulemaking is at the Board's initiative.

**DATE:** Comments by August 30, 1982.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: July 16, 1982.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

**ADDRESS:** Twenty copies of comments should be sent to Docket 40773, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

**FOR FURTHER INFORMATION CONTACT:** Nancy P. Trowbridge, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428;

(202) 673-5134; or Joanne Petrie, Office of the General Counsel, Rules & Legislation Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

**SUPPLEMENTARY INFORMATION: 14 CFR Part 262, *Agreements Between Air Carriers and Foreign Countries***, requires every U.S. air carrier to file with the Board evidence of each agreement that in any way affects or involves operating rights between that air carrier and foreign country. "Agreement" is defined as any permit, concession, franchise, contract, understanding, or arrangement, and also any amendment, modification, renewal, rescission, or revocation thereof.

The reporting requirement was adopted in 1943 to establish a uniform procedure and to give the Board information about agreements filed under sections 407(a), *Filing Reports* and 1002, *International Agreements*, of the Civil Aeronautics Act of 1938, as amended. Apart from a recodification of all the Board's rules in 1949, no change has been made in this part since adoption. For many years, the only documents filed under Part 262 have been operating licenses and permits issued to U.S. air carriers by various foreign countries. The Board's records are incomplete, however, because many carriers have failed to file or keep the information current.

The Board proposes to revoke Part 262 because there are less burdensome ways to obtain the information when it is needed. In the few cases where the Board wanted to review the agreements filed under Part 262, the licenses were obtained directly from the carrier rather than from the board's files in order to ensure that the data were complete and up-to-date. The general reporting requirement has proved to be overinclusive and unnecessary. Elimination of the reporting requirement will remove a burden on both the reporting carriers and the Board, consistent with the goals of the Paperwork Reduction Act and the Airline Deregulation Act. Whenever particular information is needed, the Board has the authority under section 407 of the Federal Aviation Act to require that carriers provide it.

#### Regulatory Flexibility Act

The Board certifies that this rule, if adopted as proposed, will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354. Few small airlines have agreements with foreign countries. This proposed change will not have a significant practical or financial

impact even for those that are currently required to report.

#### List Of Subjects in 14 CFR Part 262

Air carriers, Foreign trade.

#### Part 262 [Removed and Reserved]

Accordingly, the Civil Aeronautics Board proposes to remove and reserve 14 CFR Part 262, *Agreements Between Air Carriers and Foreign Carriers*.

(Secs. 204, 1102, Pub. L. 85-726, as amended, 72 Stat. 743, 797; 49 U.S.C. 1324, 1502)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 82-17976 Filed 6-30-82; 8:45 am]

BILLING CODE 6320-01-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Parts 210, 229, 231, 240 and 241

[Release Nos. 33-6412; 34-18837; 35-22546; IC-12503; S7-936]

#### Supplemental Disclosures of Oil and Gas Producing Activities; Proposed Amendment of Rules

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rules.

**SUMMARY:** The Commission proposes to amend its requirements for supplemental oil and gas disclosures to require compliance with the provisions of a statement of financial accounting standards which the Commission expects will be issued by the Financial Accounting Standards Board ("FASB"). These provisions are set forth in an Exposure Draft recently issued by the FASB. The Commission is proposing rule amendments at this time to facilitate its prompt action on a final FASB standard. In addition, the Commission proposes to eliminate certain requirements for oil and gas disclosures set forth in Industry Guide 2 which duplicate requirements in Regulation S-X and the Exposure Draft. This action is consistent with the commitment announced in Accounting Series Release No. 289 to reexamine existing rules upon the development of an oil and gas disclosure standard by the FASB.

**DATE:** Comments should be received by the Commission on or before August 31, 1982.

**ADDRESS:** Comments should refer to File No. S7-936 and be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All comments will be available for

public inspection at the Commission's Public Reference Room.

#### FOR FURTHER INFORMATION CONTACT:

James D. Hall (202-272-2141), M. Elizabeth Rader (202-272-2135) or John W. Albert (202-272-2081), Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549.

#### SUPPLEMENTARY INFORMATION:

##### Background

In Accounting Series Release No. ("ASR") 253<sup>1</sup> issued in August 1978, the Commission concluded that significant improvements in the communication of financial position and results of operations of oil and gas producers could be achieved by developing a method of accounting that provides for recognition in financial statements of proved oil and gas reserves as assets and changes in proved oil and gas reserves in earnings and by supplementing historical-cost financial statements with (1) disclosure of certain historical information relating to oil and gas producing activities; and (2) disclosure of information relating to future net revenues from estimated production of proved oil and gas reserves. However, after experimenting with Reserve Recognition Accounting ("RRA"), a method of accounting designed to account for proved oil and gas reserves<sup>2</sup>, the Commission announced in ASR 289<sup>3</sup> its view that RRA did not possess the requisite degree of certainty to be accepted as a primary method of accounting. Therefore, the Commission announced that it no longer considered RRA to be a potential method of accounting in the primary financial statements. The Commission also announced its support of the development of an appropriate set of disclosures to supplement historical-cost financial statements for oil and gas producers.<sup>4</sup>

<sup>1</sup> Accounting Series Release No. 253, "Adoption of Requirements for Financial Accounting and Reporting Practices for Oil and Gas Producing Activities," August 31, 1978, (43 FR 40688).

<sup>2</sup> See Securities Act Release 5969, "Oil and Gas Producing Activities—Proposed Supplemental Earnings Summary," August 31, 1978, (43 FR 40728); ASR 269, "Oil and Gas Producers—Supplemental Disclosures on the Basis of Reserve Recognition Accounting," September 24, 1979, (44 FR 57030); ASR 270, "Oil and Gas Producers—Postponement of Audit Requirements for Reserve Information," September 24, 1979, (44 FR 57037); and ASR 277, "Oil and Gas Reserve Information—Postponement of Audit Requirement," April 17, 1980, (45 FR 27747).

<sup>3</sup> ASR 289, "Financial Reporting by Oil and Gas Producers," February 26, 1981, (46 FR 15496).

<sup>4</sup> As stated in Financial Reporting Release No. 1, "Codification of Financial Reporting Policies," April 15, 1981. Section 406.02 sets forth the Commission's views on supplemental disclosures related to oil and gas producing activities.

The FASB then started a project to develop a comprehensive set of disclosures about oil and gas producing activities. At the outset of the project, the FASB formed a task force comprised of knowledgeable persons from the oil and gas industry, petroleum engineering and geological consulting firms, the financial community, the public accounting profession, and academe to advise the FASB staff on technical matters encompassed by the scope of the project.

In May 1981, the FASB published an Invitation to Comment entitled "Disclosures about Oil and Gas Producing Activities" and received many letters of comment. It conducted a public hearing at which interested parties presented their views and it held several open meetings to discuss these issues. The task force met twice with the FASB staff and individual task force members provided comments to the FASB and its staff.

During April 1982, the FASB issued an Exposure Draft ("ED") of a proposed statement entitled "Disclosures about Oil and Gas Producing Activities." This proposed statement would apply to publicly held enterprises only and describes a comprehensive set of disclosures about oil and gas producing activities. Those disclosures include the following supplementary information:

- Proved oil and gas reserve quantities.
- Capitalized costs relating to oil and gas producing activities.
- Costs incurred in oil and gas producing activities.
- Results of operations for oil and gas producing activities.
- A standardized measure of discounted future net cash flows relating to proved oil and gas reserves.

#### Commission Position

The Commission's staff has followed closely the development of the ED and has analyzed its provisions. The Commission believes that the disclosures described by the ED will assist in meeting the objectives of financial reporting set forth in FASB Concepts Statement No. ("SFAC") 1,<sup>5</sup>

and that they possess the qualitative characteristics of useful accounting information set forth in SFAC 2.<sup>6</sup>

Disclosures described by the ED would be similar in many respects to disclosures presently required by existing Commission rules. The Commission has evaluated the disclosures described by the ED and believes that such disclosures provide adequate information about oil and gas producing activities particularly because a presentation of a standardized measure of discounted future net cash flow relating to proved oil and gas reserves and a reconciliation of such standardized measure from period to period are included in the disclosure package. Therefore, the Commission proposes to amend its rules to require disclosure in filings with the Commission of the information described by the ED.

In proposing to require compliance with the provisions of the ED, the Commission does not intend to discourage comments about the substantive issues. Moreover, it realizes that because of the FASB's due process procedures, the disclosure provisions ultimately included by the FASB in the final standard may be different from those in the ED. However, the Commission will also review the comment letters on the ED and on this proposal and expects to require compliance with the final standard adopted by the FASB. Therefore, the rules proposed herein refer to the expected FASB final standard.

The Commission especially encourages input concerning a particular existing Regulation S-X disclosure requirement which is not included in the disclosures described by the ED. The Commission believes that separate presentation of amounts of future net revenues from proved reserves applicable to each of the first three succeeding fiscal years may provide information sufficiently useful to be included in the disclosure package. Such disclosure may be particularly important when near-term cash flows are significantly affected by development and production expenditures. In addition, such disclosure may be useful in assessing the predictive value of the standardized measure of discounted

future net cash flows related to proved oil and gas reserves. Interested persons are specifically invited to comment to the FASB and the Commission on this issue.

#### Discussion of Proposed Rule Changes

The disclosures described by the ED are supplemental to the financial statements. Presently, certain of the disclosures required by Regulation S-X, rule 4-10(k), are supplementary information and others are considered to be an integral part of the financial statements. To be consistent, the Commission proposes to delete Rule 4-10(k), and to locate its requirements for supplementary oil and gas disclosures in Item 302 of Regulation S-K, which presently contains rules requiring supplementary financial information about (a) selected quarterly financial data and (b) the effects of changing prices.

If these proposed rule amendments are adopted, § 240.14c-3(a)(3) of the Proxy Rules would require that the oil and gas disclosures be included in the annual report to shareholders as supplementary financial information and Note 1 to § 240.14a-3(b)(1) and Note 1 to § 240.14c-3(a)(1) would be deleted.

Proposed Item 302(c) contains criteria for determining when oil and gas producing activities are significant. The proposed criteria differ from the significance criteria presently provided in Rule 4-10(k) only in that the test related to revenues has been deleted. The proposed criteria are intended to be consistent with the tests used to determine a significant subsidiary as set forth in Regulation S-X, § 210.1-02(v).

The Commission's proposed amendments specify the periods for which the supplementary disclosures should be presented. Whereas the ED specifies that the disclosures be made when a "complete set of financial statements" is presented, the Commission proposes that income statement related disclosures be presented for each annual income statement required, and that balance sheet related disclosures be presented for each year-end balance sheet required.

The following section sets forth a cross reference of subject matter between existing rules under Regulation S-X and the ED.

<sup>5</sup> Statement of Financial Accounting Concepts No. 1, "Objectives of Financial Reporting by Business Enterprises," November 1978.

<sup>6</sup> Statement of Financial Accounting Concepts No. 2, "Qualitative Characteristics of Accounting Information," May 1980.

Regulation S-X, rule 4-10(k) Reference	ED paragraph No.	Explanation
First paragraph.....	7.....	Supplementary nature of the disclosures.
Exemption.....	General materiality standard.....	Criteria to determine when oil and gas producing activities are significant.
(1).....	6.....	Disclosure of method of accounting.



Regulation S-X, rule 4-10(k) Reference	ED paragraph No.	Explanation
(2) .....	17 .....	Capitalized costs.
(3) .....	20, 21 .....	Costs incurred.
(4)(i) .....	23a, 27 .....	Revenues from producing oil and gas.
(4)(ii) .....	23-27 .....	Manner of computing revenues from producing oil and gas.
(5) .....	9-16 .....	Estimated quantities of proved oil and gas reserves.
(6), (6)(i) .....	28 .....	Future net revenues from estimated production of proved oil and gas reserves.
(6)(ii) .....	28 .....	Present Value of Estimated Future Net Revenues.
(6)(iii) .....	31 .....	Other significant information.
(7) .....	Not included .....	Summary of Oil and Gas Producing Activities on the Basis of Reserve Recognition Accounting.
(8) .....	30 .....	Summary of Changes in Present Value of Estimated Future Net Revenues.
(9) .....	N/A .....	Safe harbor provision.
N/A .....	23-27 .....	Results of Operations for Oil and Gas Producing Activities.

### Safe Harbor

The Commission intends to provide a safe harbor for disclosures made pursuant to its final Rules. It will incorporate the safe harbor provision now in rule 4-10(k)(9) within Rule 175 under the Securities Act of 1933, 17 CFR 230.175, and within the related safe harbor rules under the other federal securities laws.

### Other Proposed Changes

In addition to the requirements of Regulation S-X, requirements for oil and gas disclosures are set forth in Guide 2 of the Industry Guides and Item 102 of Regulation S-K.<sup>7</sup> These requirements have evolved separately from the Regulation S-X provisions,<sup>8</sup> and as a consequence, certain disclosure requirements of Guide 2 are identical to certain Regulation S-X provisions. The Commission proposes to delete the following disclosure requirements from Guide 2:

—Item 1A of Guide 2 which requires disclosure of net quantities of proved reserves, proved developed reserves, qualifying reserves subject to long-term supply agreements with foreign governments, and the registrant's share of reserves of investees accounted for by the equity method.

—Item 1B which requires disclosure of the present value of estimated future net revenues for each of the categories described in Item 1A above.

—Instructions in Item 1A which call for: (1) separate disclosure of reserve quantities and present values by geographic area; and (2) the identity of the country or state where required information is not disclosed or where categories of reserves other than proved are disclosed due to state or foreign regulation.

—Item 3A which requires disclosure of net quantities produced and net

quantities received under qualifying supply contracts with foreign governments in which the registrant acts as producer.

In addition, the instructions in Item 1C of Guide 2 require a registrant to state affirmatively that no major discovery or other favorable or adverse event resulting in a significant change in reserves has occurred subsequent to year end. Since the proposed rules would impose a requirement to disclose a major discovery or favorable or adverse event in interim financial reports and generally accepted accounting principles require disclosure of subsequent events, the specific instruction in Item 1C is also proposed to be eliminated.

While these proposed rules focus only on those provisions of Guide 2 which duplicate requirements in Regulation S-X and disclosures described by the ED, the Commission intends to reexamine the other oil and gas disclosure requirements of Guide 2 and Regulation S-K in the near future. Although other requirements of Guide 2 are not being considered in the rule proposals announced today, commentators are encouraged to address these and any other aspects of the Commission's existing requirements for oil and gas disclosures.

### Effective Date and Transition

The Commission proposes that its amended rules become effective upon the effective date of the expected FASB final standard. Similarly, it proposes that its transition period tract that of the expected FASB final standard.

### Regulatory Flexibility Act Certification

Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendment proposed herein will not, if adopted, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

### List of Subjects in 17 CFR Parts 210, 229, 231, 240, and 241

Accounting, Reporting requirements, Securities.

### Text of Proposed Rules

Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended as follows:

### PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

#### § 210.4-10 [Amended]

1. By removing paragraph (k) of § 210.4-10.

### PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATIONS S-K

2. By revising the title of Part 229 to read as above:

3. By adding paragraph (c) to § 229.302 as follows:

#### § 229.302 (Item 302) Supplementary financial information.

\* \* \* \* \*

(c) *Information about oil and gas producing activities.*

Registrants engaged in significant (as defined in Instruction 1 below) oil and gas producing activities shall present in filings under the federal securities laws information about oil and gas producing activities (as those activities are defined in Regulation S-X, § 210.4-10(a)) in accordance with the provisions of Statement of Financial Accounting Standard ("SFAS") No. —, "Disclosures about Oil and Gas Producing Activities."

*Instructions to Paragraph (c).*

<sup>7</sup> In Securities Act Release 6384 (March 3, 1982), disclosure requirements for oil and gas operations were transferred from former item 2(b) of Regulation S-K to Guide 2 of the Industry Guides (47 FR 11476).

<sup>8</sup> Adopted in Securities Act Release 6383, "Adoption of Integrated Disclosure System," March 3, 1982, (47 FR 11380).

1. A registrant is engaged in significant oil and gas producing activities if it meets either of the conditions described below, based on its annual consolidated financial statements:

(i) The total of the "standardized measure of discounted future net cash flows" (as defined in paragraph 28 of SFAS NO. —), including amounts attributable to investees accounted for under the equity method, plus the net capitalized costs of unproved properties exceeds 10% of the total assets of the registrant and its subsidiaries consolidated as of the end of either of its two most recent fiscal years; or

(ii) Income from continuing operations before income taxes, extraordinary items and cumulative effect of a change in accounting principle attributable to oil and gas producing activities, including amounts applicable to investees accounted for under the equity method, exceeds 10% of such income of the registrant and its subsidiaries consolidated for any of its three most recent fiscal years.

2. (a) SFAS No. — disclosures that relate to annual periods shall be presented for each annual period for which an income statement is required, (b) SFAS NO. — disclosures required as of the end of an annual period shall be presented as of the date of each audited balance sheet required, and (c) SFAS NO. — disclosures required as of the beginning of an annual period shall be presented as of the beginning of each annual period for which an income statement is required.

3. This paragraph, together with § 210.4–10 of Regulation S–X, prescribes financial reporting standards for the preparation of accounts by persons engaged, in whole or in part, in the production of crude oil or natural gas in the United States, pursuant to Section 503 of the Energy Policy and Conservation Act of 1975 [42 U.S.C. 6383] ("EPCA") and Section 11(c) of the Energy Supply and Environmental Coordination Act of 1974 [15 U.S.C. 796] ("ESECA") as amended by Section 505 of EPCA. The application of this paragraph to those oil and gas producing operations of companies regulated for ratemaking purposes on an individual-company-cost-of-service basis may, however, give appropriate recognition to differences arising because of the effect of the ratemaking process.

4. Any person exempted by the Department of Energy from any record-keeping or reporting requirements pursuant to Section 11(c) of ESECA, as amended, is similarly exempted from the related provisions of this paragraph in the preparation of accounts pursuant to EPCA. This exemption does not affect the applicability of this paragraph to filings pursuant to the federal securities laws.

#### **PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER**

4. By removing Item 1 and paragraph A of Item 3 of the Securities Act Industry Guide 2, Disclosure of Oil and Gas Operations, of Part 231 and

redesignating and revising paragraphs B and C of Item 3 as follows.

#### **Guide 2. Disclosure of Oil and Gas Operations.**

\* \* \* \* \*

##### **3. Production**

A. For each of the last three fiscal years by the same geographic areas for which production data are required by SFAS No. —:

(i) The average sales price (including transfers) per unit of oil produced and of gas produced;

(ii) The average production cost (lifting cost) per unit of production.

B. *Instructions.* Generally, net production should include only production that is owned by the registrant and produced to its interest, less royalties and production due others. However, in special situations (e.g., foreign production) net production before royalties may be provided, if more appropriate. If "net before royalty" production figures are furnished, the change from the usage of "net production" should be noted.

Any part of natural gas liquids production obtained through or from processing plant ownership rather than through leasehold ownership should be reported separately, if material.

Production of natural gas should include only marketable production of gas on an "as sold" basis. Production will include dry, residue, and wet gas, depending on whether liquids have been extracted before the registrant passed title. Flared gas, injected gas and gas consumed in operations should be omitted. Recovered gas-lift gas and reproduced gas should not be included until sold.

The transfer price of oil and gas produced should be determined in accordance with SFAS No. —.

The average production cost per unit of production should be computed using production costs disclosed pursuant to SFAS No. —. Units of production should be expressed in common units of production with oil or gas converted to a common unit of measure on the basis used in computing amortization (relative energy content or gross revenue method). See § 210.4–10(e)(3) or § 210.4–10(i)(3)(iii) of Regulation S–X, whichever is appropriate.

#### **PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934**

##### **§ 240.14a–3 [Amended]**

5. By removing "Note 1" to paragraph (b)(1) of § 240.14a–3.

##### **§ 240.14c–3 [Amended]**

6. By removing "Note 1" to paragraph (a)(1) of § 240.14c–3.

#### **PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND THE GENERAL RULES AND REGULATIONS THEREUNDER**

7. By conforming Exchange Act Industry Guide 2 Disclosure of Oil and

Gas Operations to the amendments proposed for Securities Act Industry Guide 2.

**Authority.** These amendments are being proposed pursuant to the authority in Sections 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s) of the Securities Act of 1933; Sections 12, 13, 14, 15(d) and 23(a) (15 U.S.C. 78l, 78m, 78n, 78o(d), 78w) of the Securities Exchange Act of 1934; Sections 5(b), 14 and 20(a) (15 U.S.C. 79e, 79n, 79t) of the Public Utility Holding Company Act of 1935; Sections 8, 30, 31(c) and 38(a) (15 U.S.C. 80a–8, 80a–29, 80a–30(c), 80a–37(a)) of the Investment Company Act of 1940.

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposals on competition and it is not aware at this time of any burden that such rule amendments, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

In addition, the Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

By the Commission.

June 24, 1982.

Shirley E. Hollis,

*Assistant Secretary.*

#### **Regulatory Flexibility Act Certification**

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b) that the proposed amendments contained in Securities Act Release No. 6412 which revise the disclosure requirements for oil and gas producing companies will not have a significant economic impact on a substantial number of small entities.

The reason for this certification is that it is anticipated that the effects of the proposed amendments, if adopted, will not be significant for any entity subject to its provisions and, therefore, will not have a significant economic impact on a substantial number of small entities because the compliance burden is not being increased and the required information is generally available from existing accounting records or otherwise available to the affected companies.

John S. R. Shad,

*Chairman.*

June 24, 1982.

[FR Doc. 82–17735 Filed 6–30–82; 8:45 am]

**BILLING CODE 8010–01–M**

## 17 CFR Parts 230, 239, and 240

[Release Nos. 33-6411 and 34-18836; File No. S7-935]

### Registration Statement and Other Disclosure Documents Related to Standardized Options

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Commission is publishing for public comment two proposed rules and a new optional registration statement which would be available to the two existing issuers of standardized options listed for trading on a securities exchange. In addition, the Commission is seeking comment on a proposed rule which deems certain written options communications not to be a prospectus. The proposed amendments are intended to improve investor understanding of standardized options while reducing compliance costs to registrants and others.

**DATE:** Comments should be submitted on or before July 30, 1982.

**ADDRESSES:** Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (for comments to be received prior to July 15, 1982) or 450 5th Street, N.W., Washington, D.C. 20549 (for comments to be received after July 15, 1982). Comment letters should refer to File No. S7-935. All public comments received will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549 (prior to July 15, 1982) or at 450 5th Street, N.W., Washington, D.C. 20549 (after July 15, 1982).

**FOR FURTHER INFORMATION CONTACT:** Gregory H. Mathews (202) 272-2589 or John Thomas (202) 272-2748, Division of Corporation Finance, regarding proposed Form S-20, proposed Rule 134a and proposed Rule 135b; and, with respect to proposed Rule 9b-1, William Golden (202) 272-2413, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** The Securities and Exchange Commission is proposing for comment: (1) a new optional registration statement form, Form S-20 (17 CFR 239.20), to be used to register options under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq.); (2) Rule 9b-1 (17 CFR 240.9b-1) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et

seq.), which would establish an options disclosure document (the "disclosure document") containing information concerning options and options trading, and (3) Rule 135b (17 CFR 230.135b), which would exempt the disclosure document from the requirements of Section 5 of the Securities Act. The proposals are intended to foster better investor understanding of standardized options trading and to reduce compliance costs by shifting much of the information currently set forth in the registration statement into a new disclosure document containing a simplified explanation of options trading, which would be subject only to anti-fraud liability.

In addition, the Commission is proposing for comment Rule 134a (17 CFR 230.134a), under the Securities Act, which would permit the dissemination of instructional information about options and options trading to the public without such information being deemed to be a prospectus for purposes of Section 5 of the Act.

#### I. Background

In 1973, when the Chicago Board Options Exchange ("CBOE") was arranging to commence operation of an exchange for the trading of call options, the Division of Corporation Finance took a no action position with respect to CBOE's proposal that the CBOE Clearing Corporation be deemed the sole issuer and registrant of each option contract under the Securities Act of 1933 ("Securities Act").<sup>1</sup> The alternative approach of also treating each individual writer of an option as an issuer probably would have made it impractical for options to be registered and traded. In effect, the issuer, CBOE Clearing Corporation, was created for the purpose of facilitating the public trading of options.

In the absence of an individualized registration statement form, Form S-1 has been used to register options under the Securities Act. At the present time, the Options Clearing Corporation ("OCC")<sup>2</sup> and Trans Canada Options, Inc. ("TCO") are the only issuers of standardized options registered under the Securities Act.

In February 1979, the Commission published the Report of the Special Study of the Options Market ("Options Study") which, among other things, identified several problems arising from

the effort to accommodate listed options trading within the existing framework for registering securities under the Securities Act.<sup>3</sup> The Options Study found that the requirements to provide information on the mechanics and risks of options trading, as well as information about the issuer, made the prospectus lengthy and complicated and did not meet the needs of options investors, many of whom may lack the financial background needed to understand the relatively technical descriptions presented in the registration statement.<sup>4</sup> In addition, it found that subjecting the nominal issuer of options to the procedural requirements of the Securities Act resulted in substantial costs,<sup>5</sup> since the operation of Section 10(a)(3) of the Securities Act and the requirements of Form S-1 necessitated revision and redistribution of the prospectus annually.<sup>6</sup>

The Options Study concluded that information relating to options and the trading markets for options should be separated from information about the issuer. Moreover, the staff of the Options Study believed that the information concerning listed options should be presented in a manner "readily understandable" to a reader without a financial background.<sup>7</sup>

Based upon these findings, the Options Study recommended that a specifically tailored Exchange Act disclosure document be developed into which certain of the information currently contained in the options prospectus would be moved. It was contemplated that this disclosure document would present a description of the risks and uses of options trading in a manner that would be intelligible to unsophisticated investors. The Options Study proposed that compliance with the Securities Act should be satisfied by the filing of a special form of registration statement and prospectus designed for the unique nature of an issuer of options, and by delivery of copies of the prospectus to the exchanges.

The optional registration form and rules the Commission is proposing today

<sup>3</sup>Report of the Special Study of the Options Markets to the Securities and Exchange Commission, 96th Cong., 1st Sess. at 377-83 (Comm. Print 1978) (Hereinafter cited as "Options Study").

<sup>4</sup>Id. at 337.

<sup>5</sup>Id. at 379.

<sup>6</sup>Section 10(a)(3) of the Act prohibits the use of a prospectus more than nine months after the effective date of the registration date if the prospectus contains information which is more than sixteen months old. Item 19 of Form S-1 requires current financial information to be included in a prospectus.

<sup>7</sup>Options Study at 380.

<sup>1</sup>CBOE urged this position on the basis that the CBOE Clearing Corporation would be the obligor for the performance of the contract.

<sup>2</sup>OCC, the successor to the CBOE Clearing Corporation, is jointly owned by the CBOE, the American Stock Exchange, the Pacific Stock Exchange and the Philadelphia Stock Exchange.

are designed to implement the recommendations of the Options Study in this area, although differing somewhat in certain respects.

## II. Discussion

Proposed Form S-20 for registration of standardized options under the Securities Act and proposed Rule 9b-1 specifying the requirements of an options disclosure document filed pursuant to the Exchange Act are intended to establish a new disclosure framework specifically tailored to the information needs of investors in standardized options. Under the proposed new system, the exchange(s) on which standardized options are listed would be permitted to prepare a disclosure document describing the

uses, mechanics and risks of options trading and other matters in language that can be easily understood by the general investing public. The disclosure document would be an Exchange Act filing subject to review and amendment procedures specified by the Commission. Once this disclosure document became available, registered broker-dealers would be required to provide a copy to each customer at or prior to the approval of the customer's account for trading any options covered by the document.

The issuer of standardized options would be able to use proposed Form S-20 in conjunction with the options disclosure document. The contents of this abbreviated registration form would be limited to information related to the

registrant and the securities to be registered. Much of the information currently set forth in the prospectus portion of the registration statement would be shifted into either Part II of the registration statement or into the disclosure document. Disclosure of some information would no longer be required.

Table A indicates the manner in which existing disclosure requirements would be relocated, revised or eliminated. As indicated by Table A, it is contemplated that most subjects required to be addressed could be presented in a significantly streamlined and simplified fashion. The following discussion addresses the major aspects of these proposals.

TABLE A.—PROPOSED REVISION OF OPTIONS DISCLOSURE REQUIREMENTS

Information currently in Form S-1 registration statement	Eliminated	Disclosure Document	Form S-20	
			Pt I	Pt II
1. Glossary of Terms.....		X		
2. Prospectus Summary.....	X			
3. Certain Risk Factors.....	X			
4. Description of Options and Options Trading:				
a. Terms of Options.....		X		
b. Adjustments in Terms of Options.....		X		
c. Limitations on Exercise.....		X <sup>a</sup>		
d. Special Exercise Settlement Procedures.....		X <sup>a</sup>		
e. Position Limits for Stock Options.....		X <sup>a</sup>		
f. Certificateless Trading.....		X <sup>a</sup>	X <sup>a</sup>	
g. Underlying Securities.....		X <sup>a</sup>		
h. Hours of Trading For Stock Options.....		X <sup>a</sup>		
i. Order Placing and Execution.....		X <sup>a</sup>		
j. Acceptance and Rejection of Transactions by the Registrant.....			X	
5. Purposes and Risks of Options Transaction:				
a. General.....		X		
b. Buying Call Options.....		X		
c. Buying Put Options.....		X		
d. Writing Call Options.....		X		
e. Writing Put Options.....		X		
f. Spread Positions.....		X		
g. Straddles.....		X		
h. Miscellaneous Risks.....		X		
6. The Secondary Market in Options:				
a. General.....		X <sup>a</sup>		
b. Closing Sale Transactions.....		X <sup>a</sup>		
c. Closing Purchase Transaction.....		X <sup>a</sup>		
7. Exercise of Options:				
a. General.....		X		
b. Tender of Exercise Notices.....		X		
c. Assignment of Exercise Notices.....		X		
d. Delivery and Payment.....		X		
e. Remedies.....		X <sup>a</sup>	X <sup>a</sup>	
f. The Back-Up System.....			X <sup>a</sup>	
8. Margin Requirements.....		X		
9. Federal Tax Aspects of Stock Options:				
a. Published Tax Rulings.....		X	or X	
b. Summary of Holding Period Requirements.....		X	or X	
c. Possible Tax Legislation.....		X	or X	
10. Transaction Costs:				
a. Commissions.....		X		
b. Other Charges.....	X			
c. New York State Transfer Tax.....	X			
11. The Exchanges and the Registrant:				
a. The Exchanges.....		X		
b. The Registrant.....			X	
c. Litigation Relating to Registrant.....				X
12. Legal Opinions and Experts.....				X
13. Additional Information.....		X	X	
14. Financial Statements.....				X
15. Auditors' Opinion.....				X

<sup>a</sup> Disclosure generally would be limited to brief reference to the existence of specific exchange rules on the subject.

<sup>a</sup> Indicates that the manner in which the subject is discussed at present should be streamlined and simplified in the proposed disclosure document or proposed Form S-20 Prospectus.

### A. Proposed Form S-20 Registration Statement

1. *Availability of Form S-20.* Proposed Form S-20 would be available for registration of standardized options.<sup>8</sup> The registrant could be either a domestic or foreign issuer.<sup>9</sup> Use of the form would be optional, and a registrant could continue to utilize Form S-1. The one precondition for use of Form S-20 is that the registrant undertake not to issue, clear, guarantee or accept any security covered by the registration statement until there is a definitive options disclosure document meeting the requirements of proposed Rule 9b-1 of the Exchange Act.

2. *Delivery Requirement.* The Options Study recommended that, in lieu of disseminating a prospectus to investors, the issuer be required to disseminate a disclosure document pursuant to the Exchange Act. The Options Study proposed that the registrant's obligation under the Securities Act to deliver a prospectus to each options investor could be satisfied by filing copies of the prospectus with the exchange on which listed options are traded and having the exchanges provide the prospectus to investors upon their request. While the Commission's proposals include such a disclosure document, the requirement to deliver a short prospectus to investors has been retained.

One of the principal ways by which the full disclosure philosophy of the Securities Act is put into effect is by the prospectus delivery requirements of Section 5(b)(2) of the Securities Act. The commission believes that a delivery requirement is essential to assuring that investors are provided with information about the registrant and the securities being offered<sup>10</sup> as well as with notification that the prospectus must be accompanied or preceded by a disclosure document describing the material aspects of options trading and the possible risks involved.<sup>11</sup>

<sup>8</sup>The term "standardized options" is defined in proposed Rule 9b-1 to mean option contracts which relate to options classes whose terms are limited to specific expiration dates and exercise prices.

<sup>9</sup>On November 2, 1981, the Commission declared effective the registration statement of the Trans Canada Options Inc. ("TCO"). TCO issues and performs clearing and related functions with respect to standardized options traded on the Toronto Stock Exchange and the Montreal Exchange.

<sup>10</sup>In the past, the Commission staff has taken the position that "where adequate information concerning the company is not readily available from published sources or there are special circumstances regarding the company's affairs which require careful evaluation, provision should be made whereby the prospectus will be delivered." \* \* \* Release No. 33-4890 (December 20, 1967) (33 FR 507).

<sup>11</sup>Inclusion of a reference to the options disclosure document would notify investors that the

3. *Information required in the Prospectus.* Part I of proposed Form S-20 is designed to require a brief prospectus that provides the information necessary for an understanding of the issuer's rule with respect to the securities being offered. As currently proposed, it would contain only four items of information about the registrant and the registered securities.

The outside cover of the prospectus would present the information required by Item 501 of Regulation S-K [17 CFR 229.501]. It would include a statement that an options disclosure document addressing the mechanics and risks of options trading should accompany or precede delivery of the prospectus and that the financial statements and other information in Part II of the registration statement, except for the exhibits, are available from the registrant upon request. In addition, a foreign registrant would be required to present the information requested in Item 502(f) of Regulation S-K (17 CFR 229.502(f)). Item 2 of the proposed Form calls for a description of the registrant, its business and the services it renders. The focus of the item is upon the functions performed by the registrant as a clearing agency in connection with the issuance of options. Item 3 calls for a brief description of the securities being registered, the contractual obligation of the registrant with respect to the securities and any restriction on the purchase of the securities.

Item 4 requires a discussion of the federal tax consequences. It can be argued that the tax consequences of purchase sale and exercise transactions should be presented in connection with the description of the securities being registered. In this regard, the registrant should be as knowledgeable as the options markets with respect to such information. As discussed in connection with the disclosure requirements of proposed Rule 9b-1, there also are sound arguments for requiring the discussion of tax consequences in the options disclosure document. The Commission requests comment on which document should contain this information since the Commission only intends to require such disclosure in one place.

The information required by Part I generally will not automatically become outdated with the passage of time. In order to avoid unnecessary expense and delay, the Commission believes that when there is a material change in the

disclosure document is part of the package of information intended to provide full and fair disclosure to investors under the federal securities laws.

information contained in the prospectus, it usually would be sufficient to update the information by means of a prospectus supplement pursuant to Rule 424(b) or (c). The Commission invites specific comment on whether the information proposed to be required in Part I will, in fact, permit registrants to avoid the cost of redistributing the prospectus each year, and, if not, what changes in the content requirements of Part I or other changes would better achieve this objective.

4. *Information not required in the Prospectus.* Part II of proposed Form S-20, as with Part I, would contain only information concerning the registrant and the securities to be registered. Part II would be required to include: (1) information about officers and directors required by Item 401 of Regulation S-K (17 CFR 229.401), (Item 7); (2) legal proceedings required by Item 103 of Regulation S-K (17 CFR 229.103), (Item 8); (3) exhibits required by Items 601(b)(5) and 601(b)(24) of Regulation S-K (17 CFR 229.601), (Item 9); (4) financial statements required by Regulation S-X (17 CFR 210) and supplementary financial information required by Regulation S-K (Item 10); (5) an undertaking to update the financial information on an annual basis and an undertaking not to issue, clear, guarantee or accept any security registered on Form S-20 until there is a definitive options disclosure document with respect to the options class (Item 11).

### B. The Proposed Rule 9b-1 Options Disclosure Document

As noted above, the Options Study recommended that information concerning listed options trading be separated from information about the issuer and that the information be presented in a manner that would be readily understood by the general investing public.<sup>12</sup> Proposed Rule 9b-1 would establish the procedures and disclosure requirements for the simplified disclosure document recommended by the Options Study.

1. *Availability of Rule 9b-1.* The Options Study recommendation dealt exclusively with OCC because, at the time, OCC was the only registered issuer of standardized options.<sup>13</sup> By contrast, proposed Rule 9b-1 would be available to any standardized options market which marketed and sold

<sup>12</sup>See *Options Study* at 378-83.

<sup>13</sup>As noted, *supra*, "standardized options" are defined as options contracts traded on an options market which relate to options classes whose terms are limited to specific expiration dates and exercise prices.

options in the United States. The term "options market" is defined broadly in proposed paragraph (a)(1) of the rule to include any national securities exchange, foreign securities exchange, or an automated quotation system of a national securities association. Thus, the four national securities exchanges that currently trade options issued by OCC could utilize the options disclosure document. In addition, the proposed rule could be used by the Montreal and Toronto Stock Exchanges, which trade options issued by TCO, and by the National Association of Securities Dealers, Inc. ("NASD"), which has submitted a proposal to trade through it NASDAQ system options on over-the-counter securities.<sup>14</sup> The rule also would be available to any other standardized options traded on any national or foreign securities exchange which were sold in the United States.

The rule would permit two or more options markets to work together in formulating a single disclosure document covering options traded on each participating options market. In this connection, inasmuch as the current OCC prospectus relates to stock options classes traded on four existing U.S. exchanges, the Commission understands that those exchanges expect to cooperate in the development of a single document relating to these stock options classes. The Commission believes that such cooperation would be highly desirable. Indeed, the Commission believes that preparation of separate disclosure documents by each U.S. options exchange would place unnecessary burdens on broker-dealers and might result in substantial confusion. As a result, the Commission requests commentators to address whether the rule should specifically require options exchanges that permit the trading of options on the same type of underlying securities to jointly prepare an options disclosure document.

Proposed Rule 9b-1(b)(1) provides that, in order for an options market to utilize an options disclosure document, there must also be an effective Form S-20 prospectus relating to the same options classes. This provision ties in to a requirement in proposed Form S-20 that the registrant undertake not to permit the issuance of the options

registered thereunder until there is available an options disclosure document covering the options classes being registered which meets the requirements of Rule 9b-1.

**2. Disclosure Requirements.** Proposed Rule 9b-1(c) sets forth the specific categories of information that would be required in the options disclosure document,<sup>15</sup> unless otherwise provided by the Commission. These include: (1) A glossary of terms; (2) a description of the mechanics of options trading; (3) a description of the material risks of trading options; (4) a description of the uses of the options; (5) identification of the market for the options; (6) a discussion of transaction costs; (7) a reference to applicable margin requirements; (8) description of the tax consequences of trading the options, and (9) identification of the instrument or instruments underlying the options. These proposed requirements reflect most of the information unrelated to the registrant which is contained in the current OCC and TCO prospectuses.

As discussed above, the proposal to require discussion of tax consequences in the options disclosure document would, if adopted, replace the proposal to include such a discussion in the prospectus. All information relating to the mechanics, uses and risks of options would be contained in the disclosure document. Therefore, it can be argued that, for the convenience of investors reviewing the information about options trading, the discussion of tax consequences should be set forth in the same place. The Commission specifically requests comment on which of the two proposed locations of the tax consequences discussion would better serve the statutory purpose of investor protection.

For the most part, the information required to be included in the disclosure document, as set forth in paragraph (c), would not change materially over time. Consequently, these matters should be described with particularity. For example, the risks and uses of options trading would remain the same from year to year for most options classes. Other required information, such as standards for the approval of underlying securities, margin requirements, and position and exercise limits, which may change with frequency, can be described generically. The Commission believes that usually it would be sufficient for an options market to disclose that there are exchange rules or other provisions relating to these subjects and that

interested investors may obtain information concerning current specific standards or restrictions from their broker-dealer. The Commission invites commentators to indicate the extent to which they believe that such generic disclosure should suffice for other subjects and the reasons therefore.

Proposed Rule 9b-1(c)(10) provides that the Commission may require additional or more detailed information in an options disclosure document. Since standardized options trading is relatively new, and is expanding into new markets and products, new issues and questions may arise that could justify special or more detailed consideration in a disclosure document. Moreover, with respect to options contracts that are not widely traded or whose terms are not widely known or easily discernible, such as newly registered options traded on a foreign securities exchange or new options products, additional information may be needed by investors in order for them to make informed investment decisions. Under the proposal, the Commission would have the flexibility to require that the necessary additional information be included in the disclosure document, even though, as a consequence, the document might be subject to periodic updating or other revision.

**3. Procedural Requirements.** Pursuant to paragraph (b)(1) of proposed rule 9b-1, a disclosure document could generally be furnished to investors on the sixtieth day after filing with the Commission. It is within the Commission's discretion, however, to accelerate or delay clearance of the disclosure document based on its determination as to the adequacy of the information contained in the filing. The proposal also is intended to permit the Commission to condition clearance of an options disclosure document on other action to be taken by the Commission should it determine that, due to the unique nature or circumstances of a particular market, it is necessary to make available to investors additional information beyond that provided in the disclosure document or to take other action for the protection of investors.

Paragraph (b)(2) of proposed Rule 9b-1 indicates that an options disclosure document must be amended to reflect material changes in the information contained therein. The paragraph provides that any such amendment would become definitive thirty days after filing. During the thirty day period, the Commission would review and clear the amendment. The Commission believes that the thirty day time period generally would be appropriate in view

<sup>14</sup> See Release No. 34-17158 (September 22, 1980) [45 FR 63595]. The Options Study raised a number of concerns regarding the NASD's proposal, the most important of which was that the proposal would have permitted NASD members to make simultaneous markets in both the option and the underlying stock. See *Options Study* at 956. The NASD currently is not actively pursuing this proposal, and this rule proposal should not be interpreted as setting forth a specific substantive Commission position regarding the NASD proposal.

<sup>15</sup> These generally are the items the Options Study recommended be included in an options disclosure document. *Options Study* at 381.



of the fact that many changes in the information contained in the disclosure document, such as a change in applicable stock exchange rules, can be foreseen by the options markets, and it should be possible in most instances to file an amendment with the Commission prior to the time the information in the disclosure document actually becomes outdated. The rule would give the Commission authority to process the filing sooner, and the Commission anticipates using this authority wherever feasible in cases where the amendment is technical or ministerial or where the amendment reflects a material change that already has occurred.

Paragraph (d) of the proposal prohibits a broker-dealer from either accepting an order from a customer to purchase or sell an options contract or approving a customer's account for options trading unless the broker-dealer has previously provided the customer with a disclosure document meeting the requirements of Rule 9b-1. This delivery requirement includes amendments to the disclosure document. It is intended to ensure that all options investors are provided with understandable information concerning the standardized options they trade, and that thereafter such disclosure is kept current. Proposed paragraph (d) is modeled after various rules of the exchanges, such as CBOE Rule 9.15 and AMEX Rule 926 and follows from the recommendations of the Options Study.

#### C. Rule 135b

Proposed Rule 135b would deem the option disclosure document filed pursuant to proposed Rule 9b-1 not to be an offer to sell or offer to buy, so that the use of the document would not create liability under Section 5 of the Securities Act. The document, however, still would be subject to the anti-fraud provisions.

#### D. Proposed Rule 134a

As part of its review of options disclosure practices, the Commission is addressing an additional area of concern regarding options. Rule 134a would specify that certain additional information can be included in a written options communication without it being deemed a prospectus. The Commission is taking this step to remove any impediments to broker-dealers and others who may wish to educate the investing public about options trading. The Commission wishes to emphasize, however, that proposed Rule 134a would not provide a means for distributing selling literature to the public.

Section 2(10)(b) of the Securities Act provides that an advertisement or other communication concerning a security shall not be deemed to be a prospectus if it states from whom a written prospectus can be obtained and does no more than identify the security, state its price and indicate by whom orders will be executed. The Section also gives the Commission authority to permit the inclusion of such other information as may be necessary or appropriate in the public interest and for the protection of investors.<sup>16</sup> The Commission has previously exercised this rulemaking authority to expand what may be permitted in written communications by registered investment companies.<sup>17</sup>

The Commission believes that the complex nature of options trading provides ample justification for developing a rule deeming instructional material about options not to constitute a prospectus. Like investment companies, which are subject to comprehensive regulation under the Investment Company Act of 1940, broker-dealers, which may be interested in utilizing such written communications,<sup>18</sup> are subject to comprehensive regulation by the Commission and by self-regulatory organizations under the Exchange Act.

As proposed, Rule 134a would be applicable only to written communications. For materials to come within the purview of the proposed rule their content must be limited to instructional information which does no more than explain, in general terms, the various strategies of option trading and the nature of the options markets. In addition, there are six conditions in the rule that must be met.

The first condition requires that the materials contain an explanation of the potential risks of options transactions. The risks that must be described are material risks associated with the information presented in the materials. For example, if the materials explain options trading in broad terms, the material risks associated with options trading in general must be disclosed. If the materials explain a specific options strategy, the material risks peculiar to such strategy must be disclosed in comparable detail. The Commission invites comment on whether the information proposed to be permitted in

a Rule 134a communication is described in sufficient detail to enable persons to prepare and disseminate written materials pursuant to the Rule.

The second, third and fourth conditions are prohibitions as to what the materials cannot contain—no past or projected performance figures may be used; no recommendation to purchase or sell any option contract may be made; and no option class can be identified. The fifth condition is that the materials state from whom a prospectus may be obtained, and the sixth condition, if applicable, requires a statement identifying the person from whom an options disclosure document meeting the requirements of Rule 9b-1 may be obtained.

If the proposal is adopted, the Commission anticipates that the self-regulatory organizations and the exchanges, which have established review and approval procedures for options communications, would monitor carefully the materials that are distributed to the public pursuant to the provisions of the rule.

In addition to the issues raised above, the Commission requests comment on whether the proposed amendment, if adopted, would have an adverse effect on competition or would impose a burden on competition which is neither necessary nor appropriate in furthering the purposes of the Exchange Act. Comments on this inquiry should include, to the extent feasible, detailed empirical and evidentiary material in support of any conclusions, opinions or positions. Comment on this inquiry will be considered by the Commission in complying with its responsibilities under Section 23(a)(2) of the Exchange Act.

### III. Regulatory Flexibility Act Certification

Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendment proposed herein will not, if adopted, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

### IV. Text of Proposals

#### List of Subjects in 17 CFR Parts 230, 239, and 240

##### Reporting Requirements, Securities.

In accordance with the foregoing, Parts 230, 239 and 240 of Chapter II, Title 17 of the Code of Federal Regulations are proposed to be amended as follows:

<sup>16</sup> Congress granted the Commission this rulemaking authority in view of "the wide variations in the types of issuers, securities, and offerings subject to the Securities Act." S. Rep. No. 1036 at 13, 83d Cong., 2d Sess. (1954).

<sup>17</sup> See Release No. 33-5501 (June 16, 1975) [40 FR 27442].

<sup>18</sup> See, e.g., letter of Merrill Lynch, Pierce, Fenner & Smith dated January 7, 1981, File No. S7-935.



**PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933**

1. By adding § 230.134a to read as follows:

**§ 230.134a Options material not deemed a prospectus.**

Written materials relating to standardized options, as defined in Rule 9b-1 under the Securities Exchange Act of 1934, shall not be deemed to be a prospectus for the purposes of Section 2(10) of the Securities Act of 1933: *Provided*, That such materials are limited to explanatory information, describing the general nature of the standardized options markets or one or more strategies: *And, Provided further*, That:

(a) The potential risks related to options trading generally and to each strategy addressed are explained;

(b) No past or projected performance figures, including annualized rates of return are used;

(c) No recommendation to purchase or sell any option contract is made;

(d) No specific option class is identified;

(e) The materials contain the name and address of a person or persons from whom a current prospectus meeting the requirements of Section 10 of the Act may be obtained; and

(f) If there is a definitive options disclosure document, as defined in Rule 9b-1 of the Securities Exchange Act of 1934, the materials shall contain the name and address of a person or persons from whom a copy of such document may be obtained.

2. By adding § 230.135b to read as follows:

**§ 230.135b Materials not deemed an offer to sell or offer to buy.**

For the purposes only of Section 5 of the Act, materials meeting the requirements of Rule 9b-1 of the Securities Exchange Act of 1934 shall not be deemed to constitute an offer to sell or offer to buy any security.

**PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933**

3. By adding § 239.20 to read as follows: [Form S-20 does not appear in the Code of Federal Regulations].

**§ 239.20 Form S-20, for standardized options.**

This Form may be used to register standardized options under the Securities Act of 1933 where the issuer undertakes not to issue, clear, guarantee or accept an option registered on Form S-20 unless there is a definitive options disclosure document meeting the

requirements of Rule 9b-1 of the Securities Exchange Act of 1934.

Securities and Exchange Commission

Form S-20

Registration Statement Under the Securities Act of 1933

(Exact name of registrant as specified in its charter)

**CALCULATION OF REGISTRATION FEE**

Title of securities to be registered	Amount to be registered	Proposed maximum fee or charge per unit	Proposed maximum aggregate fee or charge	Amount of registration fee
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**Form S-20—GENERAL INSTRUCTIONS****I. Eligibility requirement for use of Form S-20**

This form may be used for registration of standardized options under the Securities Act of 1933 ("Securities Act") provided that the registrant undertakes not to issue, clear, guarantee or accept an option registered on Form S-20 unless there is a definitive options disclosure document meeting the requirements of Rule 9b-1 of the Securities Exchange Act of 1934 with respect to the options class.

**II. Application of General Rules and Regulations**

A. Attention is directed to the General Rules and Regulations under the Securities Act, particularly those comprising Regulation C [17 CFR 230.400 to 230.494] thereunder. That Regulation contains general requirements regarding the preparation and filing of the registration statement.

B. Attention is directed to Regulation S-K [17 CFR Part 229] for the requirements applicable to the content of the non-financial statement portions of registration statements under the Securities Act. Where this Form directs the registration to furnish information required by Regulation S-K and the item of Regulation S-K so provides, information need only be furnished to the extent appropriate.

**Part I. Information Required in Prospectus**

Item 1. *Forepart of the Registration Statement and Outside Front Cover Page of Prospectus.* Set forth in the forepart of the registration statement and on the outside front cover page of the prospectus the information required by Item 501 of Regulation S-K [§ 229.501 of this chapter]. In the case of a foreign registrant, the information required by Item 502(f) of Regulation S-K [§ 229.502(f) of this chapter] also shall be included. In addition, the outside front cover page of the prospectus shall contain a statement to the effect that (1) an options disclosure document containing a description of the risks of options transactions is required to be furnished to option investors and stating from whom such a document may be obtained; (2) the financial statements and certain additional information required by Part II of the registration statement, other than exhibits, can be obtained without charge upon request from the registrant; and (3) the exhibits required by Part II of the registration

(Address, including zip code, and telephone number, including area code, of registrant's principal executive offices)

(Name, Address, including zip code, and telephone number, including area code, of agent for service)

Approximate date of commencement of proposed sale to public

statement can be inspected at the offices of the registrant or obtained from the registrant or the Securities and Exchange Commission upon payment of an appropriate fee.

Item 2. *Description of Registrant.* (a) State the year in which the registrant was organized, its form of organization and the name of the State or other jurisdiction under the laws of which it was organized.

(b) List all the parents of the registrants showing the basis of control.

(c) Briefly describe the business of the registrant and the services rendered by it.

Item 3. *Description of Securities to be Registered.* State the title of the securities to be registered, the rights evidenced by such securities, whether certificates representing these securities are issued, the contractual obligations of the registrant with respect to such securities and any restriction on the purchase of such securities.

*Instruction.* This item only requires a brief summary of the provisions of the security. A complete legal description of the provisions referred to is not required and should not be given; only a succinct resume is required.

Item 4. *Tax Consequences.* Briefly describe the federal income tax consequences of purchase, sale or exercise transactions to holders and writers of securities registered herein.

**Part II. Information Not Required in Prospectus**

Item 5. *Directors and Executive Officers.* Furnish the information required by Item 401 of Regulation S-K [§ 229.401 of this chapter].

Item 6. *Legal Proceedings.* Furnish the information required by Item 103 of Regulation S-K [§ 229.103 of this chapter].

Item 7. *Legal Opinions and Experts.* Furnish the information required by Items 601(b)(5) and 601(b)(24) of Regulation S-K [§ 229.601 of this chapter].

Item 8. *Financial Statements.* Include financial statements meeting the requirements of Regulation S-X [17 CFR Part 210] and the supplementary financial information specified by Item 12 of Regulation S-K [17 CFR 229.20].

Item 9. *Undertakings.* Furnish the following undertakings:

1. The undersigned registrant hereby undertakes to file a post-effective amendment, not later than 120 days after the end of each fiscal year subsequent to that

covered by the financial statements presented herein, containing financial statements meeting the requirements of Regulation S-X [17 CFR 210] and the supplementary financial information specified by Item 12 of Regulation S-K [17 CFR 229.20].

2. The undersigned registrant hereby undertakes not to issue, clear, guarantee or accept any security registered herein until there is a definitive options disclosure document meeting the requirements of Rule 9b-1 of the Securities Exchange Act of 1934 with respect to the class options.

#### Signatures

Pursuant to the requirements of the Securities Act of 1933, the registrant certifies that it has reasonable grounds to believe that it meets all of the requirements for filing on Form S-20 and has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of \_\_\_\_\_, State of \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_. (Registrant) \_\_\_\_\_ by (Signature and Title) \_\_\_\_\_.

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed by the following persons in the capacities and on the dates indicated.

(Signature) \_\_\_\_\_  
(Title) \_\_\_\_\_  
(Date) \_\_\_\_\_

**Instructions 1.** The registration statement shall be signed by the registrant, its principal executive officer of officers, its principal financial officer, its controller or principal accounting officer and by at least a majority of the board of directors or persons performing similar functions. If the registrant is a foreign person, the registration statement shall also be signed by its authorized representative in the United States.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement. Attention is directed to Rule 402 concerning manual signatures and to Item 601 of Regulation S-K concerning signatures pursuant to powers of attorney.

#### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1934

4. By adding § 240.9b-1 (Rule 9b-1) to read as follows:

##### § 240.9b-1 Options disclosure document.

(a) **Definitions.** The following definitions shall apply for the purpose of this rule.

(1) "Options market" means a national securities exchange, an automated quotation system of a national securities association or a foreign securities exchange on which standardized options are traded.

(2) "Options class" means all options contracts covering the same underlying instrument.

(3) "Options disclosure document" means a document prepared by one or more options markets which contains the information required by this rule with respect to the options classes covered by the document.

(4) "Standardized options" are options contracts trading on an options market which relate to options classes the terms of which are limited to specific expiration dates and exercise prices.

(b)(1) Five preliminary copies of an options disclosure document containing the information specified in paragraph (c) of this section shall be filed with the Commission by an options market at least 60 days prior to the date definitive copies are furnished to customers, unless the commission determines otherwise having due regard to the adequacy of the information disclosed and the public interest and protection of investors. Five copies of the definitive options disclosure document shall be filed with the Commission not later than the date the options disclosure document is furnished to customers. Notwithstanding the above, the use of an options disclosure document shall not be permitted unless the options class to which such document relates is the subject of an effective registration statement on Form S-20 under the Securities Act. (2) If the information contained in the options disclosure document becomes materially inaccurate or incomplete or there is an omission of material information necessary to make the disclosure document not misleading, the options market shall file five copies of an amendment to such document with the Commission at least 30 days prior to the date definitive copies are furnished to customers, unless the Commission determines otherwise having due regard to the adequacy of the information disclosed and the public interest and protection of investors. Five copies of the definitive options disclosure document, as amended, shall be filed with the Commission not later than the date the amended options disclosure document is furnished to customers.

(c) **Information required in an options disclosure document.** An options disclosure document shall contain the following information, unless otherwise provided by the Commission, with respect to the options classes covered by the document:

- (1) A glossary of terms;
- (2) The mechanics of buying, writing and exercising the options, including settlement procedures;
- (3) The risks of trading the options;
- (4) The uses of the options;
- (5) The market for the options;
- (6) Transaction costs for the options;

(7) Applicable margin requirements;

(8) The tax consequences of trading the options;

(9) Identification of the instrument or instruments underlying the options class; and

(10) Such other information as the Commission may specify.

(d) **Broker-dealer obligations.** (1) No broker or dealer shall accept an order from a customer to purchase or sell an option contract relating to an options class that is the subject of an options disclosure document, or approve the customer's account for the trading of such option, unless the broker or dealer previously has delivered to the customer the options disclosure document.

(2) If an options disclosure document is amended, each broker and dealer shall promptly send the information contained in the definitive amendment to each customer whose account is approved for trading the options class(es) to which the options disclosure document relates.

#### Statutory Authority

These amendments are being proposed pursuant to Sections 2, 7, 10 and 19(a) of the Securities Act of 1933 and Sections 9, 15 and 23(a) of the Securities Exchange Act of 1934.

(Secs. 2, 7, 10, 19(a), 48 Stat. 74, 78, 81, 85; secs. 201, 205, 209, 210, 48 Stat. 905, 906, 908; secs. 1-4, 8, 68 Stat. 683, 685; sec. 12(a), 73 Stat. 143; sec. 7(a), 74 Stat. 412; sec. 27(a), 84 Stat. 1433; sec. 308(a)(2), 90 Stat. 57; sec. 505, 94 Stat. 2292; secs. 9, 15, 23(a), 48 Stat. 889, 895, 901; sec. 203(a), 49 Stat. 704; secs. 3, 8, 49 Stat. 1377, 1379; sec. 2, 52 Stat. 1075; secs. 6, 10, 78 Stat. 570-574, 580; sec. 11(d), 84 Stat. 121; sec. 18, 89 Stat. 155; sec. 204, 91 Stat. 1500; 15 U.S.C. 77b, 77g, 77j, 77s(a), 78i, 78o, 78w(a)).

By the Commission.

Dated: June 24, 1982.

Shirley E. Hollis,

Assistant Secretary.

#### Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments published in Release No. 33-6411 (June 24, 1982) "Registration Statement and Other Disclosure Documents Related to Standardized Options" will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Options Clearing Corporation and the options markets are not small entities. Although it is expected that the proposed amendments will result in a reduction in the aggregate compliance costs of the brokerage industry, it is expected that the impact on individual broker-dealers that are small entities will not be significant.

Dated: June 24, 1982.

John S.R. Shad,  
Chairman.

[FR Doc. 82-17736 Filed 6-30-82; 8:45 am]

BILLING CODE 8010-01-M

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 31

#### **Proposed Forms W-2c, Statement of Corrected Income and Tax Amounts; W-3c, Transmittal of Corrected Income and Tax Statements**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of proposed forms.

**SUMMARY:** The Internal Revenue Service

is proposing for public comments two new forms for correcting Forms W-2, W-2AS, W-2GU, W-2VI, W-2P, and W-3. The Service, after considering all comments and suggestions, plans to adopt the proposed forms in 1982, with any appropriate changes resulting from the comments.

**DATE:** Written comments and suggestions should be mailed or delivered by August 16, 1982.

**ADDRESS:** Written comments and suggestions should be mailed or delivered to the Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul Nirdlinger, Internal Revenue

Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone (202) 566-6413 (not a toll-free telephone number).

**SUPPLEMENTARY INFORMATION:** Form W-2c is to be used by an employer (or other payer, in the case of Form W-2P) to correct errors on previously filed Forms W-2, W-2AS, W-2GU, W-2VI, or W-2P. Form W-3c is used to transmit copies of Form W-2c to the Social Security Administration.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

**Nelson A. Brooke,**  
Chairman, Tax Forms Coordinating Committee.

BILLING CODE 4830-01-M

Do not staple forms W-2c or W-3c

<b>1</b> Year Being Corrected <b>19</b>		<b>2</b> Control Number		<b>For Official Use Only</b> OMB No. Expires	
<b>3</b> Form: <input type="checkbox"/> W-2 <input type="checkbox"/> W-2AS <input type="checkbox"/> W-2GU <input type="checkbox"/> W-2VI <input type="checkbox"/> W-2P <input type="checkbox"/> Subtotal			<b>4</b> Employer's SSA Number 69-		
<b>5</b> Original <input type="checkbox"/> Corrected <input type="checkbox"/> Statutory employee <input type="checkbox"/> Deceased <input type="checkbox"/> Pension Plan <input type="checkbox"/> Legal Rep. <input type="checkbox"/> 942 employee <input type="checkbox"/>			<b>6</b> Employer's State Number		
<b>7</b> Employee's Social Security Number			<b>9</b> Employer's Federal identification number		
<b>8</b> Employees Name, Address and Zip Code			<b>10</b> Employer's Name, Address and Zip Code		

Changes			
Item	(a) As Originally Reported	(b) Correct Information	(c) Difference (b less a)
<b>11</b> Employee's SSN		See item 7 above	
<b>12</b> Employee's name		See item 8 above	
<b>13</b> FICA Wages			
<b>14</b> FICA Tips			
<b>15</b> FICA Tax Withheld			
<b>16</b> Wages, Tips, and Other Compensation			
<b>17</b> Federal Income Tax Withheld			
<b>18</b> Advance EIC Payments			
<b>19</b> Gross Annuity, Pension, Retire Pay or IRA Payment (W-2P only)			
<b>20</b> Taxable Amount (W-2P only)			
<b>21</b> IRA Code (W-2P only)			
<b>22</b> State or Local Wages			
<b>23</b> State or Local Income Tax			
<b>24</b> Explain Changes Here			

**FORM W-2c STATEMENT OF CORRECTED INCOME AND TAX AMOUNTS**Department of the Treasury  
Internal Revenue Service**Copy A For Social Security Administration****General Instructions**

**A. Purpose of Form.**—Form W-2c is used by an employer (or other payer, in the case of Form W-2P) to correct errors in previously filed Forms W-2, W-2P, W-2AS, W-2GU, or W-2VI. Use a separate Form W-3c, Transmittal of Corrected Income and Tax Statements, to transmit each type of form shown in item 3 above.

The W-2c may be used to correct wage and tax information for years 1978 and later. For years before 1978, you must use Form 941c, Statement to Correct Information Previously Reported Under FICA. Section 218 filers (certain State and local governmental employers) must use Form SSA-3964, State's Report of Adjustments, for years before 1982.

**B. Where to File.**—DO NOT file Form W-2c with the IRS. See the instructions for Form W-3c to find where to file Copy A. Distribute the remaining copies just as you would the original W-2.

**C. How to Complete Form W-2c.**—For descriptions of individual items, see the instructions for Form W-2 and W-2P. Complete items 1-10 as applicable. For items 11-23 (Changes) complete only those items that are being corrected. Otherwise leave blank.

Form W-2c may be submitted alone (without a W-3c) to correct an employee's name or social security number. If these are the only changes you need to make, complete only items 1-10, and 11 or 12 (whichever is being corrected).

On any line that shows a dollar change, and one of the amounts is zero, enter "zero" or "0.00"—do not leave blank.

**Specific Instructions**

**Item 2.**—This is an optional item which employers may use to identify individual forms. You may use up to seven digits.

**Item 4.**—Employer's SSA Number.—This is a number beginning with "69-" that is assigned to certain State or local governmental employers. Also add your coverage group number and/or PRU number, if assigned.

**Item 6.**—Employer's State Number.—You are not required to complete this item. This number is assigned by the individual states. You may want to complete this item if you use copies of this form for your State returns.

**Items 22 and 23.**—State or Local data.—If your ONLY changes to the original W-2 are to State or local data, DO NOT send the W-2c to SSA or your State Social Security Administrator.

**Item 24.**—Explanation.—You must complete this item if you are a section 218 filer. It is optional for all other employers.

**Paperwork Reduction Act Notice.**—The Paperwork Reduction Act of 1980 says we must tell you why we are collecting this information, how we will use it, and whether you have to give it to us. We ask for the information to carry out the Internal Revenue and Social Security laws of the United States. We need it to ensure that you are complying with these laws and so that we can figure and collect the correct amount of tax. You are required to give us this information.

<b>1</b> Year Being Corrected <div style="text-align: center; font-weight: bold;">19</div>	<b>2</b> Control Number	<b>For Official Use Only</b> OMB No. Expires																		
<b>3</b> Form: <input type="checkbox"/> W-2 <input type="checkbox"/> W-2AS <input type="checkbox"/> W-2GU <input type="checkbox"/> W-2VI <input type="checkbox"/> W-2P <input type="checkbox"/> Subtotal		<b>4</b> Employer's SSA Number 69-																		
<b>5</b> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Original</td> <td style="text-align: center;">Statutory employee</td> <td style="text-align: center;">Deceased</td> <td style="text-align: center;">Pension Plan</td> <td style="text-align: center;">Legal Rep.</td> <td style="text-align: center;">942 employee</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Corrected</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		Original	Statutory employee	Deceased	Pension Plan	Legal Rep.	942 employee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Corrected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>6</b> Employer's State Number
Original	Statutory employee	Deceased	Pension Plan	Legal Rep.	942 employee															
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
Corrected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
<b>7</b> Employee's Social Security Number		<b>9</b> Employer's Federal Identification number																		
<b>8</b> Employees Name, Address and Zip Code		<b>10</b> Employer's Name, Address and Zip Code																		

Changes			
Item	(a) As Originally Reported	(b) Correct Information	(c) Difference (b less a)
<b>11</b> Employee's SSN		See item 7 above	
<b>12</b> Employee's name		See item 8 above	
<b>13</b> FICA Wages			
<b>14</b> FICA Tips			
<b>15</b> FICA Tax Withheld			
<b>16</b> Wages, Tips, and Other Compensation			
<b>17</b> Federal Income Tax Withheld			
<b>18</b> Advance EIC Payments			
<b>19</b> Gross Annuity, Pension, Retire Pay or IRA Payment (W-2P only)			
<b>20</b> Taxable Amount (W-2P only)			
<b>21</b> IRA Code (W-2P only)			
<b>22</b> State or Local Wages			
<b>23</b> State or Local Income Tax			
<b>24</b> Explain Changes Here			

**FORM W-2c STATEMENT OF CORRECTED INCOME AND TAX AMOUNTS**Department of the Treasury  
Internal Revenue Service

Copy 1 For State, City, or Local Tax Department

363-427-1

<b>1</b> Year Being Corrected <b>19</b>	<b>2</b> Control Number	For Official Use Only OMB No. Expires	
<b>3</b> Form: <input type="checkbox"/> W-2 <input type="checkbox"/> W-2AS <input type="checkbox"/> W-2GU <input type="checkbox"/> W-2VI <input type="checkbox"/> W-2P <input type="checkbox"/> Subtotal		<b>4</b> Employer's SSA Number 69-	
<b>5</b> Statutory    De-    Pension    Legal    942 Original   employee   ceased   Plan   Rep.   employee Corrected <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		<b>6</b> Employer's State Number	
<b>7</b> Employee's Social Security Number		<b>9</b> Employer's Federal identification number	
<b>8</b> Employees Name, Address and Zip Code		<b>10</b> Employer's Name, Address and Zip Code	

Changes			
Item	(a) As Originally Reported	(b) Correct Information	(c) Difference (b less a)
<b>11</b> Employee's SSN		See item 7 above	
<b>12</b> Employee's name		See item 8 above	
<b>13</b> FICA Wages			
<b>14</b> FICA Tips			
<b>15</b> FICA Tax Withheld			
<b>16</b> Wages, Tips, and Other Compensation			
<b>17</b> Federal Income Tax Withheld			
<b>18</b> Advance EIC Payments			
<b>19</b> Gross Annuity, Pension, Retire Pay or IRA Payment (W-2P only)			
<b>20</b> Taxable Amount (W-2P only)			
<b>21</b> IRA Code (W-2P only)			
<b>22</b> State or Local Wages			
<b>23</b> State or Local Income Tax			
<b>24</b> Explain Changes Here			

**FORM W-2c STATEMENT OF CORRECTED INCOME AND TAX AMOUNTS**
 Department of the Treasury  
 Internal Revenue Service

Copy B to be filed with employee's FEDERAL tax return

This information is being furnished to the internal Revenue Service

<b>1</b> Year Being Corrected 19	<b>2</b> Control Number	<b>For Official Use Only</b> OMB No. Expires															
<b>3</b> Form: <input type="checkbox"/> W-2 <input type="checkbox"/> W-2AS <input type="checkbox"/> W-2GU <input type="checkbox"/> W-2VI <input type="checkbox"/> W-2P <input type="checkbox"/> Subtotal		<b>4</b> Employer's SSA Number 69-															
<b>5</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Statutory employee</td> <td style="width: 15%;">Deceased</td> <td style="width: 15%;">Pension Plan</td> <td style="width: 15%;">Legal Rep.</td> <td style="width: 15%;">942 employee</td> </tr> <tr> <td>Original <input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Corrected <input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		Statutory employee	Deceased	Pension Plan	Legal Rep.	942 employee	Original <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Corrected <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>6</b> Employer's State Number
Statutory employee	Deceased	Pension Plan	Legal Rep.	942 employee													
Original <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
Corrected <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
<b>7</b> Employee's Social Security Number		<b>9</b> Employer's Federal Identification number															
<b>8</b> Employees Name, Address and Zip Code		<b>10</b> Employer's Name, Address and Zip Code															

Changes			
Item	(a) As Originally Reported	(b) Correct Information	(c) Difference (b less a)
<b>11</b> Employee's SSN		See item 7 above	
<b>12</b> Employee's name		See item 8 above	
<b>13</b> FICA Wages			
<b>14</b> FICA Tips			
<b>15</b> FICA Tax Withheld			
<b>16</b> Wages, Tips, and Other Compensation			
<b>17</b> Federal Income Tax Withheld			
<b>18</b> Advance EIC Payments			
<b>19</b> Gross Annuity, Pension, Retire Pay or IRA Payment (W-2P only)			
<b>20</b> Taxable Amount (W-2P only)			
<b>21</b> IRA Code (W-2P only)			
<b>22</b> State or Local Wages			
<b>23</b> State or Local Income Tax			
<b>24</b> Explain Changes Here			

**FORM W-2c STATEMENT OF CORRECTED INCOME AND TAX AMOUNTS**Department of the Treasury  
Internal Revenue Service**Copy C for employee's records**

This information is being furnished to the Internal Revenue Service

**Instructions to Recipient**

This is a corrected version of the W-2 form checked in item 3 above. If you have already filed a return for the year shown in item 1, you may have to file an amended return if any of the corrections change your tax liability for that year. Contact the Internal Revenue Service (or other taxing

authority in the case of Form W-2AS, W-2GU, or W-2VI) for further information.

When you file your return (or amended return, if you have already filed a return for that year), attach this corrected statement with the original W-2.



<b>1</b> Year Being Corrected <div style="text-align: center; font-weight: bold;">19</div>	<b>2</b> Control Number	For Official Use Only OMB No. Expires
<b>3</b> Form: <input type="checkbox"/> W-2 <input type="checkbox"/> W-2AS <input type="checkbox"/> W-2GU <input type="checkbox"/> W-2VI <input type="checkbox"/> W-2P <input type="checkbox"/> Subtotal		<b>4</b> Employer's SSA Number <div style="text-align: center;">69-</div>
<b>5</b> Statutory    De-    Pension    Legal    942 Original    employee    ceased    Plan    Rep.    employee Corrected <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		<b>6</b> Employer's State Number
<b>7</b> Employee's Social Security Number		<b>9</b> Employer's Federal identification number
<b>8</b> Employees Name, Address and Zip Code		<b>10</b> Employer's Name, Address and Zip Code

Changes			
Item	(a) As Originally Reported	(b) Correct Information	(c) Difference (b less a)
<b>11</b> Employee's SSN		See item 7 above	
<b>12</b> Employee's name		See item 8 above	
<b>13</b> FICA Wages			
<b>14</b> FICA Tips			
<b>15</b> FICA Tax Withheld			
<b>16</b> Wages, Tips, and Other Compensation			
<b>17</b> Federal Income Tax Withheld			
<b>18</b> Advance EIC Payments			
<b>19</b> Gross Annuity, Pension, Retire Pay or IRA Payment (W-2P only)			
<b>20</b> Taxable Amount (W-2P only)			
<b>21</b> IRA Code (W-2P only)			
<b>22</b> State or Local Wages			
<b>23</b> State or Local Income Tax			
<b>24</b> Explain Changes Here			

**FORM W-2c STATEMENT OF CORRECTED INCOME AND TAX AMOUNTS**
 Department of the Treasury  
 Internal Revenue Service

Copy 2 to be filed with employee's State, City, or Local income tax return

363-427-1

1 Year Being Corrected <b>19</b>	2 Control Number	For Official Use Only OMB No. Expires	<b>YOUR COPY</b>
3 Form: <input type="checkbox"/> W-2 <input type="checkbox"/> W-2AS <input type="checkbox"/> W-2GU <input type="checkbox"/> W-2VI <input type="checkbox"/> W-2P <input type="checkbox"/> Subtotal			4 Employer's SSA Number <b>69-</b>
5            Statutory    De-    Pension    Legal    942 Original    employee    ceased    Plan    Rep.    employee Corrected <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			6 Employer's State Number
7 Employee's Social Security Number			9 Employer's Federal identification number
8 Employees Name, Address and Zip Code			10 Employer's Name, Address and Zip Code

Changes			
Item	(a) As Originally Reported	(b) Correct Information	(c) Difference (b less a)
11 Employee's SSN		See item 7 above	
12 Employee's name		See item 8 above	
13 FICA Wages			
14 FICA Tips			
15 FICA Tax Withheld			
16 Wages, Tips, and Other Compensation			
17 Federal Income Tax Withheld			
18 Advance EIC Payments			
19 Gross Annuity, Pension, Retire Pay or IRA Payment (W-2P only)			
20 Taxable Amount (W-2P only)			
21 IRA Code (W-2P only)			
22 State or Local Wages			
23 State or Local Income Tax			
24 Explain Changes Here			

FORM W-2c STATEMENT OF CORRECTED INCOME AND TAX AMOUNTS

Department of the Treasury  
Internal Revenue Service

Copy D for Employer

363-427-1

Do not staple Forms W-3c or W-2c

1 Year being corrected 19		OMB No. Expires		For Official Use Only																							
2 Employer's Federal identification number						4 Employer's telephone number (Optional)																					
3 Employer's name, address, and ZIP code						5 Employer's SSA number (also PRU and L indicator, if assigned) 69-																					
						6 Employer's State number																					
						7 Number of statements attached ▶			8 With TIN      Without TIN <div style="display: flex; justify-content: space-around;"><input type="checkbox"/> <input type="checkbox"/></div>																		
Kind of payer and corrected tax statements transmitted		9		941/941E		942		943		CT-1		Military		Sec. 218		10		W-2		W-2P		W-2AS		W-2GU		W-2VI	
				<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>			

CHANGES			
Item	(a) As originally reported	(b) Correct information	(c) Difference (b less a)
11 Employer Identification Number		See item 2 above	
12 Establishment Number			
13 Employer's SSA Number (certain State and local governments only)		See item 5 above	
14 FICA Wages			
15 FICA Tips			
16 FICA Tax Withheld			
17 Wages, Tips and Other Compensation			
18 Federal Income Tax Withheld			
19 Advance EIC Payments			
20 Gross Annuity, Pension, Retired Pay, or IRA Amount (W-2P only)			
21 Taxable Amount (W-2P only)			
22 State or Local Wages			
23 State or Local Income Tax			
24 Explain changes here:			
Has a corrected employment tax return been filed with the Internal Revenue Service <input type="checkbox"/> Yes <input type="checkbox"/> No			
If "Yes," give date the corrected return was filed ▶			
Under penalties of perjury, I declare that I have examined this return, including accompanying documents, and to the best of my knowledge and belief, it is true, correct, and complete. In the case of documents without recipients identifying numbers, I have complied with the requirements of the law by requesting such numbers from the recipients, but did not receive them.			
Signature ▶		Title ▶      Date ▶	

**FORM W-3c TRANSMITTAL OF CORRECTED INCOME AND TAX STATEMENTS**Department of the Treasury  
Internal Revenue Service

For Paperwork Reduction Act Notice, see other side of this page.

Please return Form W-3c to the Social Security Administration address for your State as listed below.

If your legal residence, principal place of business, office or agency is located in	Use this address
Alaska, Arizona, California, Hawaii, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming	Social Security Administration Salinas Data Operations Center Salinas, CA 93911
Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Wisconsin	Social Security Administration Albuquerque Data Operations Center Albuquerque, NM 87180
Alabama, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia	Social Security Administration Office of Central Records Operations Baltimore, MD 21290
Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont	Social Security Administration Wilkes-Barre Data Operations Center Wilkes-Barre, PA 18769
If you have no legal residence or principal place of busi- ness in any State	Social Security Administration Office of Central Records Operations Baltimore, MD 21290

**Paperwork Reduction Act Notice.**—The Paperwork Reduction Act of 1980 says we must tell you why we are collecting this information, how we will use it, and whether you have to give it to us. We ask for the information to carry out the Internal Revenue and Social Security laws of the United States. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax. You are required to give us this information.

1 Year being corrected 19____		For Official Use Only	
2 Employer's Federal identification number		4 Employer's telephone number (Optional)	
3 Employer's name, address, and ZIP code  <div style="text-align: center; padding: 10px 0;">YOUR COPY</div>		5 Employer's SSA number (also PRU and L Indicator, if assigned) 69—	
		6 Employer's State number	
		7 Number of statements attached ▶	8 With TIN      Without TIN <div style="display: flex; justify-content: space-around;"><input type="checkbox"/>      <input type="checkbox"/></div>
Kind of payer and corrected tax statements transmitted	9 941/941E    942    943    CT-1    Military    Sec. 218 <div style="display: flex; justify-content: space-around;"><input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/></div>	10 W-2    W-2P    W-2AS    W-2GU    W-2VI <div style="display: flex; justify-content: space-around;"><input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/></div>	
<b>CHANGES</b>			
Item	(a) As originally reported	(b) Correct information	(c) Difference (b less a)
11 Employer Identification Number		See item 2 above	
12 Establishment Number			
13 Employer's SSA Number (certain State and local governments only)		See item 5 above	
14 FICA Wages			
15 FICA Tips			
16 FICA Tax Withheld			
17 Wages, Tips and Other Compensation			
18 Federal Income Tax Withheld			
19 Advance EIC Payments			
20 Gross Annuity, Pension, Retired Pay, or IRA Amount (W-2P only)			
21 Taxable Amount (W-2P only)			
22 State or Local Wages			
23 State or Local Income Tax			
24 Explain changes here:			
Has a corrected employment tax return been filed with the Internal Revenue Service <input type="checkbox"/> Yes <input type="checkbox"/> No		If "Yes," give date the corrected return was filed ▶	
Under penalties of perjury, I declare that I have examined this return, including accompanying documents, and to the best of my knowledge and belief, it is true, correct, and complete. In the case of documents without recipients identifying numbers, I have complied with the requirements of the law by requesting such numbers from the recipients, but did not receive them.			
Signature ▶		Title ▶	Date ▶

**FORM W-3c TRANSMITTAL OF CORRECTED INCOME AND TAX STATEMENTS**Department of the Treasury  
Internal Revenue Service

For Paperwork Reduction Act Notice, see other side of this page.

**Instructions for Form W-3c**

The W-3c may be used to correct wage and tax information for years 1978 and later. For years before 1978, you must use Form 941c, Statement to Correct Information Previously Reported Under FICA. Section 218 filers (certain State and local governmental employers) should use Form SSA-3964, State's Report of Adjustments, for years before 1982.

Form W-3c alone (without accompanying Forms W-2c) may be used to correct an EIN or employer's SSA (69) number. If these are the only changes you need to make, complete only items 1, 2 and 11(a) (or 5 and 13(a), whichever is being corrected), 3, 4, and 14(a).

**Forms W-2c That You Cannot Deliver.**—You will need to keep for 4 years any employee (recipient) copies of Forms W-2c that you tried to deliver but could not.

**A. Purpose of Form.**—Form W-3c is used to accompany copies of Form W-2c, Statement of Corrected Income and Tax Amounts, sent to the Social Security Administration. A separate W-3c must be used for each type of W-2 (e.g., W-2, W-2P, W-2AS, W-2GU, or W-2VI) being corrected.

**B. Who Must File.**—Employers and other payers must file Form W-3c to send Copy A of Form W-2c.

The transmitter or sender (including a service bureau, paying agent, or disbursing agent) may sign Form W-3c for the employee or payer only if the sender:

- (a) Is authorized to sign by an agreement (either oral, written, or implied) that is valid under State law; and
- (b) Is authorized by the payer (by either oral, written, or implied agreement) to ask for the taxpayer identifying numbers of payees who are reported on the forms; and
- (c) Writes "For (name of payer)" next to the signature.

If an authorized sender signs for the payer, the payer is still responsible for filing, when due, a correct and complete Form W-3c and attachments, and is subject to any penalties that result from not complying with these requirements.

Be sure the payer's name and employer's identification number on Forms W-2c and W-3c are the same as those used on the Form 941, 942, or 943 filed by or for the payer.

**C. Where to File.**—See list of addresses on the back of the original copy of this Form W-3c.

**D. Shipping and Mailing.**—If you are correcting more than one kind of form, please group forms of the same kind, and send them in separate groups. For example, if you correct both wages and annuities, file one W-3c to correct the W-2 forms, and another W-3c to correct the W-2P forms. Also, please send forms lacking taxpayer

identifying numbers (TIN's) with a separate Form W-3c.

If you have a large number of forms, you may send them in separate packages. Show your name and employer identification number on each package. Number them in order (1 of 4, 2 of 4, etc.), and place Form W-3c in package one. Show the number of packages at the bottom of Form W-3c below the title. If you mail them, you must send them first class.

**E. How to Complete Form W-3c.**—Please type entries if possible. Send the whole first page with Forms W-2c. Please do not staple them to Form W-3c. Make all dollar entries without the dollar sign but with the decimal point (000.00).

**Item 1—Year being corrected.**—This is the calendar year of the original W-2, W-2P, etc.

**Item 2—Employer's Federal identification number.**—Show the correct number assigned to you by the IRS (00-0000000). If the W-3c is being used to correct a number, use line 10(a) to show how the number was incorrectly recorded on the original form.

**Item 3—Employer's name, address, and ZIP code.**—This should be the same as what is shown on your Form 941, 942, or 943. If available, please use the label sent to you with Publication 393 or 51.

**Item 4—Employer's telephone number (Optional).**—This may be used if there is a problem in processing your correction. You do not need to fill in this item.

**Item 5—Employer's SSA number.**—If you checked the section 218 box in item 9, show the number assigned to you by SSA. This number always starts with 69, which is pre-printed in this box. Also add the PRU and L indicators, if these have been assigned to you by SSA.

**Item 6—Employer's State number.**—You are not required to fill in this item. This number is assigned by individual States where your business is located. You may want to complete this item if you use copies of this form for your State returns.

**Item 7—Number of statements attached.**—Show the number of individual Forms W-2c attached to this Form W-3c.

**Item 8—With TIN or Without TIN.**—Check only one box. Check the With TIN box when sending Forms W-2c that have recipients' social security numbers. Check the Without TIN box when sending Forms W-2c that do not have recipients' social security numbers.

**Items 9 and 10—Kind of corrected tax statements transmitted.**—Put an X in the check boxes that apply to you. Check only one box in each grouping (that is, check one box for item 9 to show the type of payer; check one box in item 10 to show whether the forms are Forms W-2 or W-2P).

**Item 9—Kind of payer.**—Check only one box.

**941/941E.**—Check this box if you file Form 941 or 941E and none of the other five categories apply.

**942.**—Check this box if you are a household employer correcting Forms W-2 for household employees. If you also have to correct forms of employees who are not household employees, send each group's Forms W-2c with a separate Form W-3c.

**943.**—Check this box if you file Form 943 and are correcting forms for agricultural employees. If you also have to correct forms of employees who are not agricultural employees, send each group's Forms W-2c with a separate W-3c. You would send the non-agricultural employees' Forms W-2c with a Form W-3c that generally has a checkmark in the 941/941E box.

**CT-1.**—Check this box if you are a railroad employer correcting Forms W-2 for employees covered under the Railroad Retirement Tax Act (RRTA). DO NOT show employee RRTA tax in items 14, 15, and 16. These items are ONLY for FICA (social security) information. If you also have to correct forms of employees who are subject to FICA taxes, send each group's Forms W-2 with a separate W-3. Send the FICA tax employees' Forms W-2 with a separate W-3 that has a checkmark in the 941/941E box.

**Military.**—Check this box if you are a military employer correcting Forms W-2 for members of the uniformed services.

**Section 218.**—Check this box if you are a State or local government employer correcting Forms W-2 for employees covered under section 218 of the Social Security Act. You must also enter your State SSA number in item 5.

**Items 11 through 23—Changes.**—For each of the items being corrected, show in column (a) the amount shown on the original W-3, and in column (b) the correct amount that should have been shown on the original W-3. DO NOT just add up the totals from the attached Forms W-2c. Complete only those items that are being corrected. Otherwise, leave blank. CAUTION: Some of the items are numbered differently on the Form W-3.

On any line that shows a dollar change, and one of the amounts is zero, enter "zero" or "0.00"—do not leave blank.

**Items 11 and 13—Employer identification number and employer's SSA number.**—Your correct numbers should appear in items 2 and 5 respectively. Make entries in column (a) only if the number on the original form was incorrect.

**Item 12—Establishment number.**—This is for Establishment Reporting Plans. Please show the number you and SSA agreed to.

**Items 22 and 23—State and local data.**—If your ONLY changes to the original form are to the State and local data, DO NOT send the corrections to SSA or your State Social Security Administrator.

**Item 24—Explanation.**—You must complete this item if you checked the "Sec. 218" box in item 9. It is optional for all other employers.

**DEPARTMENT OF THE INTERIOR****Minerals Management Service****30 CFR Part 251****Geological and Geophysical (G&G) Exploration of the Outer Continental Shelf****AGENCY:** Geological Survey, Interior.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The proposed amendments of 30 CFR Part 251 relating to geological and geophysical (G&G) exploration of the Outer Continental Shelf are part of a larger effort of the Department of the Interior to streamlining the regulatory requirements governing operations on the Outer Continental Shelf (OCS). The proposed amendment would alleviate an unnecessary burden on the industry operating on the OCS.

**DATES:** Written comments on this proposal to amend 30 CFR Part 251 must be received on or before the close of business August 2, 1982.

**ADDRESSES:** Comments may be mailed to: Associate Director for Offshore Minerals Management, Minerals Management Service, 640 National Center, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

**FOR FURTHER INFORMATION CONTACT:** David A. Schuenke, Offshore Rules and Operations Division, Minerals Management Service, 640 National Center, 12203 Sunrise Valley Drive, Reston, Virginia 22091, (703) 860-7916 or (FTS) 928-7916.

**SUPPLEMENTARY INFORMATION:****Background:**

This proposed rulemaking is part of an effort by the Department of the Interior to review current regulations and modify or rescind those regulations considered unnecessary, burdensome, or counterproductive. Comments are specifically requested on 30 CFR 251.11 and 251.12. Comments are recommendations are welcomed on any regulatory requirements contained in 30 CFR Part 251.

**Discussion of Change**

The current regulations require the holder of a permit for geological or geophysical exploration activities for minerals or scientific research on the OCS, to notify the Director, U.S. Geological Survey, immediately in writing, of the acquisition, analysis, or interpretation of geological information or data or the acquisition, processing, reprocessing, or interpretation of any geophysical information or data

collected under the permit. It has been recognized that geological data is repeatedly analyzed and geophysical data is reprocessed and interpreted many times after initial acquisition, analysis, and processing, even on a daily basis. Requiring a permittee to notify the Director immediately of any analysis, reprocessing, or interpretation, imposes a time-consuming and excessive paperwork burden on industry. This amendment proposes to eliminate the requirement for repeated immediate notice after the notice of the acquisition, initial analysis, initial processing, and initial interpretation. The remaining notice requirements would be due within 30 days of the acquisition, analysis, processing, or interpretation. Notice covering any additional reanalysis, reprocessing, or additional interpretation would be required 30 days following a specific request by the Director for the information.

**Authors:** Dan Palubniak, Jane Roberts, Platte Clark, and David Schuenke, U.S. Geological Survey, Department of the Interior, (703) 860-7916.

**Environmental Impact, Regulatory Impact Analysis, and Impact on Small Entities.** The Department of the Interior has determined that these proposed amendments to 30 CFR 251.11 and 251.12 do not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The Department has determined the promulgation of these changes is not a major action requiring preparation of a regulatory impact analysis under Executive Order 12291. It has also been determined that the proposed amendments will not have a significant effect on a substantial number of small entities, therefore, a small entity flexibility analysis is not required under the Regulatory Flexibility Act.

**List of Subjects in 30 CFR Part 251**

Continental shelf, Freedom of information, Oil and gas exploration, Reporting requirements, Science and technology.

Dated: August 7, 1982.

Daniel N. Miller,

*Assistant Secretary of the Interior.*

**PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF**

It is proposed that the first sentence of 30 CFR 251.11(a) be removed and replaced with the following new sentences:

**§ 251.11 Inspection, selection, and submission of geological information and data.**

(a) Each holder of a permit for geological exploration for mineral resources or geological scientific research shall notify the Director in writing within 30 days of the acquisition, initial analysis, and initial interpretation, of any geological information and data collected under the permit. Within 30 days following the Director's request for any subsequent analysis and interpretation of that geological information or data, the permittee shall submit that information in writing. \* \* \*

\* \* \* \* \*

It is proposed that the first sentence of 30 CFR 251.12(a) be removed and replaced with the following two sentences:

**§ 251.12 Inspection, selection, and submission of geophysical information and data.**

(a) Each holder of permit for geophysical exploration activities for mineral resources or scientific research shall notify the Director in writing within 30 days of the acquisition and initial processing and initial interpretation of any geophysical information and data collected under the permit. Within 30 days following the receipt of the Director's request for any reprocessing or subsequent interpretation of that geophysical information or data, the permittee shall submit notice of that information in writing. \* \* \*

\* \* \* \* \*

[FR Doc. 82-17901 Filed 6-30-82; 8:45 am]

**BILLING CODE 4310-31-M**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Parts 700, 701, 740, 741, 742, 743, 744, 745, and 746**

**Federal Lands Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Notice of Extension of public comment.

**SUMMARY:** On June 9, 1982 (47 FR 25092), OSM published proposed rules for public comment that would amend 30 CFR Chapter VII, Subchapter D, the Federal lands program, relating to regulation of surface coal mining and reclamation operations on Federal lands. Since its publication OSM has found it necessary to extend the public



comment period for the convenience of commenters who have indicated that additional time is needed to adequately review and comment on the proposed rule.

**DATES: Written Comments:** The comment period on the proposed rules will extend until 5:00 p.m. (Eastern time) on July 23, 1982.

**Public Meetings:** Scheduled on request only.

**ADDRESSES: Written Comments:** Hand-delivered to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (R&I-04), Room 5315, 1100 L Street, N.W., Washington, D.C.; or mail to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (R&I-04) Room 5315L, 1951 Constitution Ave. N.W., Washington, D.C. 20240.

**Public Meetings:** OSM Office in Washington, D.C. and Denver, Colorado.

**FOR FURTHER INFORMATION CONTACT:** H. Leonard Richeson, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; 202-343-5866.

**Public Meetings:** 202-343-5866.

#### SUPPLEMENTARY INFORMATION:

##### Public Commenting Procedures

**Written Comments:** Written comments should be specific, pertain only to issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Commenters are requested to submit five copies of their comments (see "ADDRESSES"). Comments received after the time indicated under "DATES" or at locations other than Washington, D.C., will not necessarily be considered or be included in the Administrative Record for the final rulemaking.

**Public Meeting:** Persons wishing to meet with OSM representatives to discuss these proposed rules may request a meeting at any of the OSM offices listed in "ADDRESSES" by contacting the person listed under "FOR FURTHER INFORMATION CONTACT".

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record room (1100 L Street). A written summary of each public meeting will be made part of the Administrative Record.

Dated: June 28, 1982.

William Schmidt,

Assistant Director, Program Operations and Inspections, Office of Surface Mining.

[FR Doc. 82-17621 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-05-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-6286]

#### National Flood Insurance Program; Proposed Flood Elevation Determinations; Kansas

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule; revision.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of McPherson, McPherson County, Kansas.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations scheduled to be published in the *McPherson Sentinel* on March 25, 1982 and April 1, 1982, and at 45 FR 19385 on May 5, 1982, and hence supersedes those previously published rules.

**DATES:** The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

**ADDRESSES:** See table below:

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in the City of McPherson, McPherson County, Kansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

#### List of Subjects in 44 CFR Part 67

Flood Insurance, Floodplains.

The proposed base (100-year) flood elevations for selected locations are:

#### PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Kansas .....	(C) McPherson, McPherson County .....	Dry Turkey Creek .....	About 650 feet upstream of confluence of Bull Creek..... Just upstream of East Avenue A..... Just upstream of East Kansas Avenue .....	*1,478 *1,480 *1,484

## PROPOSED BASE (100 YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Just upstream of Atchison, Topeka, and Santa Fe Railway.	*1,486
			About 1,200 feet upstream of North Maxwell Street.....	*1,487
		East Branch Dry Turkey Creek	About 650 feet downstream of South Frontage Street.....	*1,487
			Just upstream of East Kansas Avenue .....	*1,490
			Just upstream of East First Street.....	*1,493
		Dry Turkey Creek Tributary No. 3	Just downstream of Hulse Street.....	*1,486
			Just upstream of Briarwood Lane .....	*1,490
		Bull Creek	At confluence with Dry Turkey Creek .....	*1,476
			Just downstream of Chicago, Rock Island and Pacific Railroad.	*1,478
			Just upstream of South Main Street.....	*1,483
			Just upstream of West Kansas Avenue .....	*1,487
		Bull Creek Tributary No. 2	At confluence with Bull Creek .....	*1,484
			Just upstream of Atchison, Topeka and Santa Fe Railway.	*1,488
			Just upstream of West First Street .....	*1,492

Maps available for inspection at the City Hall, 400 East Kansas, McPherson, Kansas.

Send comments to Honorable Delbert E. Crabb, Mayor, City of McPherson, City Hall, 400 East Kansas, McPherson, Kansas 67460.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 26, 1982.

**Lee M. Thomas,**  
Associate Director, State and Local Programs and Support.

[FR Doc. 82-17881 Filed 6-30-82; 8:45 am]

**BILLING CODE 6718-03-M**

#### 44 CFR Part 67

[Docket No. FEMA-6262]

#### National Flood Insurance Program; Proposed Flood Elevation Determinations; Tennessee

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule: Revision.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Smyrna, Rutherford County, Tennessee.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 47 FR 12826 on March 25, 1982, and in the *Rutherford Courier* on February 18, and February 25, 1982, and hence supersedes those previously published rules.

**DATES:** The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for inspection at Town Hall, 311 Lowry Street, Smyrna, Tennessee 37167.

Send comments to: Mayor J. Sam Ridley or Mr. J. Michael Woods, Town Clerk, Town Hall, P.O. Box 876, Smyrna, Tennessee 37167.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Smyrna in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(A)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

#### List of Subjects in 44 CFR, Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Tennessee.....	Town of Smyrna, Rutherford County (FEMA-6262).....	Stewart Creek.....	Just downstream of Louisville and Nashville Railroad (abandoned). Just upstream of Enon Springs Road.....	*513 *523
		Harts Branch.....	Just downstream of U.S. Highways 41 and 705.....	*524
			Approximately 200 feet upstream of Maple View Street..	*519
		Rock Spring Branch.....	Just upstream of U.S. Highways 41 and 705.....	*525
		Finch Branch.....	Just downstream of Old Nashville Pike.....	*544
			Just downstream of Jones Mill Road.....	*513
			Approximately 100 feet upstream of Jones Mill Road .....	*514

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: June 7, 1982.

Lee M. Thomas,  
Associate Director, State and Local Programs  
and Support.

[FR Doc. 82-17882 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 67

[Docket No. FEMA-6122]

#### National Flood Insurance Program; Proposed Flood Elevation Determinations; Texas

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Proposed rule: Revision.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Rosenberg, Fort Bend County, Texas.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 46 FR 6122 on August 4, 1981, and in the *Herald Coaster* on July 8, and July 15, 1981, hence supersedes those previously published rules.

**DATES:** The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for inspection at City Hall, 2110 South Fourth Street, Rosenberg, Texas 77471.

Send comments to: Honorable Elwood Raines, Mayor of the City of Rosenberg, City Hall, 2110 South Fourth Street, Rosenberg, Texas 77471.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat., 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(A).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the

National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Texas.....	City of Rosenberg, Fort Bend County (FEMA-6122).....	North branch of Dry Creek .....	Just downstream of Laurel Avenue.....	*98
			Just upstream of Laurel Avenue.....	*99
		Dry Creek .....	Approximately 250 feet upstream of Louise Avenue.....	*98
			Approximately 200 feet downstream of Fourth Street.....	*99
		Seabourne Creek.....	Just downstream of State Highway 36.....	*99
		Brazos River.....	Just upstream of Bernard Avenue extended .....	*97
			Just upstream of 6th Street extended .....	*93

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 28, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17880 Filed 6-30-82; 8:45 am]

**BILLING CODE 6718-03-M**

#### 44 CFR Part 67

[Docket No. FEMA-6262]

#### National Flood Insurance Program; Proposed Flood Elevation Determinations; Virginia

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 47 FR 12827 on March 25, 1982. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Cape Charles, Northampton County, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Cape Charles, Northampton County, Virginia, previously published at 47 FR 12827 on March 25, 1982, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a

substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Under the Source of Flooding of Chesapeake Bay, the base flood elevation for the entire shoreline within the community has been amended to read 11 feet in elevation.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 20, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17879 Filed 6-30-82; 8:45 am]

**BILLING CODE 6718-03-M**

#### 44 CFR Part 67

[Docket No. FEMA-6343]

#### National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for the City of Jeffersonville, Clark County, Ind.

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the

National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper for local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the City-County Building, Suite 404, 500 East Court Avenue, Jeffersonville, Indiana.

Send comments to: Honorable Richard Vissing, Mayor, City of Jeffersonville, City-County Building, Suite 404, 500 East Court Avenue, Jeffersonville, Indiana 47130.

#### FOR FURTHER INFORMATION CONTACT:

Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the City of Jeffersonville, Indiana, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations and base flood elevations are as follows:

Source of flooding and location	Elevation, national geodetic vertical datum (feet)	Zone designation
Woodland Court Tributary: Portion of a recent annexation bounded on the north by an east-west line passing through a point on Allison Lane approximately 1,700 feet north of the junction of Allison Lane and Middle Road, and on the east, south, and west by the corporate limits.	459.....	A11, B, C.
Silver Creek: Conrail Bridge.....	459.....	All.
Ohio River and Lancassange Creek: A recent annexation bounded on the north and east by the corporate limits, on the south by the Ohio River, and on the west by a line parallel to and approximately 650 feet east of Hopkins Lane.	451 to 452.....	A20, B, C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 67

##### Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support).

Issued: June 7, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17914 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 67

[Docket No. FEMA-6341]

#### Proposed Base Flood Elevations and Zone Designations for the City of National City, San Diego County, Calif.; National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for

the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations and zone designations are available for review at the Office of the City Clerk, City Hall, 1243 National City Boulevard, National City, California.

Send comments to: Honorable Kile Morgan, Mayor, City of National City, 1243 National City Boulevard, National City, California 92050.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of National City, California in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation national geodetic vertical datum (feet)	Zone designation
Sweetwater River: Just upstream of National Avenue.	19	A18
At a point located approximately 150 feet downstream of D Avenue.	20	A18

All the remaining annexed areas are identified as Zones B and C. The proposed floodway delineation is being added along the aforementioned reach of the Sweetwater River.

Pursuant to the provisions of 5 U.S.C. 506(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 67

Flood insurance—flood plains. (National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: May 27, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17912 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 67

[Docket No. FEMA-6342]

#### Proposed Base Flood Elevations and Zone Designations for the City of Vallejo, Solano County, Calif.; National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures

that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper or local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Public Works Department, Vallejo City Hall, 555 Santa Clara Street, California.

Send comments to: Honorable Terry Curtola, Jr., Mayor, City of Vallejo, City Hall, 555 Santa Clara Street, Vallejo, California 94590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Divisions, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Vallejo in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation, national geodetic vertical datum (feet)	Zone designation
Napa River:		
At the northwesternmost corporate limits.	6	Zone A1.
At the intersection of Redwood Street and Sacramento Street Canal.	6	Zone A1.
At the intersection of El Dorado Street and Illinois Street.	6	Zone A1.
At Mare Island Strait.....	6	Zone V1.
Chabot Creek:		
At the confluence with the Napa River.	6	Zone A1.
At Sonoma Boulevard.....	10	Zone A1.
Carquinez Strait:		
At Morrow Cove.....	6	Zone V1.
At Sempole Point.....	6	Zone V1.
At Elliot Cove.....	6	Zone V1.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 67

##### Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: June 11, 1982.

**Lee M. Thomas,**  
*Associate Director, State and Local Programs and Support.*

[FR Doc. 82-17913 Filed 6-30-82; 8:45 am]

**BILLING CODE 6718-03-M**

#### 44 CFR Part 67

[Docket No. FEMA-6344]

#### Proposed Base Flood Elevations and Zone Designations for the City of Mulvane, Sedgwick and Sumner Counties, Kans.; National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

#### ACTION: Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATE:** The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the City Administrator, Mulvane City Hall, 211 North Second, Mulvane, Kansas.

Send comments to: Honorable Vivian L. Thompson, Mayor, City of Mulvane, 211 North Second, Mulvane, Kansas 67110.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Mulvane, Kansas in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The

proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	elevation, national geodetic vertical datum (feet)	Zone designation
Styx Creek: Just upstream of Route 15 .... Northernmost corporate limits.	1,249 1,254	Zone A2. Zone A2.

The proposed special flood hazard area, identified as Zone A, is being added along an unnamed stream between Louis Drive and the northernmost corporate limits. All the remaining annexed areas are being identified as Zone C. In addition, the proposed floodway delineation is being added along the aforementioned reach of Styx Creek.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR 67

##### Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: May 19, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

#### 44 CFR Part 67

[Docket No. FEMA-6345]

#### National Flood Insurance Program; Proposed Zone Designation Determinations for the Township of Clinton, Macomb County, Michigan

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Administration Building, Department of Planning and Community Development, 40700 Romeo Plank Road, Mt. Clemons, Michigan.

Send comments to: Kenneth H. Bobcean, Supervisor, Township of Clinton, 40700 Romeo Plank Road, Mt. Clemons, Michigan 48044.

**FOR FURTHER INFORMATION CONTACT:** Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The Associate Director, State and Local Programs and Support gives notice of the proposed zone designations for the Township of Clinton, Michigan, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.

These zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are

more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Source of flooding	Location	Zone designation
Clinton River .....	Portions of the area bounded on the east by Clinton River Road, on the south by Canal Road, on the north by a line parallel to and approximately 1,100 feet north of Canal Road, and on the west by a line parallel to and approximately 3,450 feet east of Romeo Plank Road.	B.
	Portions of the area bounded on the east and south by Clinton River Road, on the north by Canal Road, and on the west by a line parallel to and approximately 950 feet east of Romeo Plank Road.	B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 67

##### Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 1, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-17916 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M



**44 CFR Part 67****[Docket No. FEMA-6346]****National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for the Village of Batavia, Clermont County, Ohio****AGENCY:** Federal Emergency Management Agency.**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at 389 East Main Street, Batavia, Ohio.

Send comments to: Honorable Edmond Parrott, Mayor, Village of Batavia, 389 East Main Street, Batavia, Ohio 45103.

**FOR FURTHER INFORMATION CONTACT:** Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the Village of Batavia, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the

program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations and base flood elevations are as follows:

Source of flooding and location	Elevation, national geodetic vertical datum (feet)	Zone designation
East Fork Little Miami River:		
Downstream corporate limits...	567	A4, B.
Immediately upstream of State Highway 32.	567	A4, B, C.
Main Street.....	573	A4, B.
Norfolk & Western Railroad.....	576	A4, B.
Upstream corporate limits.....	580	A4, B, C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

**List of Subjects in 44 CFR Part 67****Flood insurance—flood plains.**

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 7, 1982.

Lee M. Thomas,

*Associate Director, State and Local Programs and Support.*

[PR Doc. 82-17630 Filed 6-30-82; 8:45 am]

**BILLING CODE 6718-03-M**

**44 CFR Part 67****[Docket No. FEMA-6347]****Proposed Base Flood Elevation and Zone Designation Determinations for the City of Katy, Harris, Waller, and Fort Bend Counties, Tex.; National Flood Insurance Program****AGENCY:** Federal Emergency Management Agency.**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the City Engineer, 5626 Second Street, Katy, Texas.

Send comments to: Honorable John G. Morrison, Mayor, City of Katy, P.O. Box 617, Katy, Texas 77449.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Katy, Texas in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the

minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation, national geodetic vertical datum (feet)	Zone designation
Willow Fork Buffalo Bayou: Just upstream of Crossover Road.	130	Zone A2.
Just upstream of F.M. 1463	135	Zone A3.
At a point approximately 800 feet upstream of F.M. 1463.	137	Zone A3.
Cane Island Branch: Area located approximately 1100 feet west of Carnation Street	142	Zone A6.

In the recently annexed area along Snake Creek, the proposed special flood hazard area, identified as Zone A, has been added. All the remaining annexed areas have been identified as Zones B and C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: June 7, 1982.

Lee M. Thomas,  
Associate Director, State and Local Programs and Support.

[FR Doc. 82-17631 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 67

[Docket No. FEMA-6348]

#### National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for the Town of Man, Logan County, W. Va.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

**ADDRESSED:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Town Hall on Market Street, Man, West Virginia.

Send comments to: Honorable Mervil Perry, Mayor, Town of Man, P.O. Box 70, Man, West Virginia 25635.

**FOR FURTHER INFORMATION CONTACT:** Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the Town of Man, West Virginia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations and base flood elevations are as follows:

Source of flooding and location	Elevation, national geodetic vertical datum (feet)	Zone designation
Buffalo Creek: Point on Buffalo Creek adjacent to Dunn Avenue.	747	A8, B, C.
Immediately upstream of Market Street.	737	A9, B, C.
Immediately upstream of the Chesapeake and Ohio Railway.	729	A9, B, C.
Guyandotte River: Chesapeake and Ohio Railway.....	732	A9, B, C.
Bridge Street.....	729	A9, B, C.
Western corporate limits.....	727	A9, B, C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 11, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs  
and Support.

[FR Doc. 82-17915 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-02-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

49 CFR Parts 172, 173, 175, 177, and  
178

[Docket No. HM-139E; Notice 82-6]

### Conversion of Individual Exemptions Into Regulations of General Applicability

**AGENCY:** Materials Transportation  
Bureau (MTB), Research and Special  
Programs Administration, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The MTB is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations.

Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe. In addition, these proposed changes would eliminate the need for recordkeeping by the exemption holder(s); eliminate the need for marking the exemption number on the package and shipping paper(s), and, eliminate the need for MTB to receive, review, docket, evaluate, and issue a renewal of the exemption every two years.

**DATE:** Comments must be received on or before August 30, 1982.

**Address Comments to:** Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202-472-2726).

**SUPPLEMENTARY INFORMATION:** Each of the proposed amendments described in the following table is founded upon either (1) actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application for an exemption. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

These proposals would not significantly affect the cost of regulatory enforcement, nor would additional costs be imposed on the private sector, consumer, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for the exemption and effectively terminate it. Upon such termination the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief

sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals, each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on the proposals may wish to address both the proposed amendment and the exemption application.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

The MTB has determined that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This proposal will not affect not-for-profit enterprises, or small governmental jurisdictions.

The following list of Federal Register Thesaurus of Indexing Terms applies to this notice of proposed rulemaking:

### List of Subjects

#### 49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

#### 49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

#### 49 CFR Part 175

Hazardous materials transportation, Air carriers.

#### 49 CFR Part 177

Hazardous materials transportation, Motor vehicles.

#### 49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 5454	Allied Chemical Corp., Air Products & Chemicals, Inc., Union Carbide Corp.	§ 173.301(d)(1), § 173.304(a)(2).	Authorizes shipments of Sulfur hexafluoride in DOT Specification 3A1800, 3AA1800, 3AA2400 and 3T1800 cylinders. Manifolding is authorized and cylinders comply with § 173.301(L). (Modes 1 and 3).	To amend paragraph (d)(1) of § 173.301 to include sulfur hexafluoride and to amend the Table in § 173.304(a)(2) for Sulfur hexafluoride to include DOT-3AA2400; DOT-3T1800 cylinders.
DOT-E 6616	Fenwal Inc	§ 178.51-15	To manufacture, mark and sell a non-DOT specification spherical, steel pressure vessel manufactured in compliance with DOT Specification 4BA with certain exceptions. NOTE: This exemption and proposed changes were included in HM-139D. However, the earlier changes did not contain all of the requirements specified in the exemption. (Modes 1, 2, 3, 4, 5).	To revise paragraph (a) of § 178.51-15 by adding the following three sentences to read as follows: (a) * * *. Physical test for spheres required on 2 specimens cut from flat representative sample plate of the same heat taken at random from the steel used to produce the sphere. This flat steel from which 2 specimens are to be cut must receive the same heat treatment as the spheres themselves. Sample plates to be taken for each lot of 200 or less spheres.
DOT-E 6618	Monsanto Co	§ 173.374	Authorizes shipments of Nitro-chlorobenzene, para, solid in an insulated DOT Specification MC-312 cargo tank equipped with heating coils. (Mode 1).	To add paragraph (a)(4) to § 173.374 to read as follows: (4) Specification MC-312 (§ 178.343 of this subchapter). Insulated cargo tank equipped with heating coils. Authorized only for nitro-chlorobenzene, para, solid. Not authorized for transportation by water.
DOT-E 6898	Allied Chemical Corp., Ashland Chemical Co., J. T. Baker Chemical Co., Mallinckrodt, Inc., E. I. du Pont de Nemours & Co., MCB Mtg. Chemists, Inc.	§ 178.150-4(a)(1)	Authorizes DOT Specification 33A polystyrene cases to be closed with one-half inch polypropylene strapping or equivalent having a tensile strength of 600 pounds per inch of width instead of the prescribed 1½ inch pressure-sensitive tape. (Modes 1, 2, and 3).	To revise § 178.150-4 by deleting paragraphs (a)(1) and (a)(2). A new paragraph (b) would be added to read as follows: (b) Each case shall be closed for shipment with pressure-sensitive tape, polypropylene strapping, or other efficient means if they perform without failure under the tests prescribed by this section.
DOT-E 7590	National Motor Freight Traffic Assn., Commercial Lovelace Motor Freight, Inc., Pacific Intermountain Express Co., Central Freight Lines, Inc., Ryder Truck Lines, Inc., Smith's Transfer Corp., Transcon Lines, Gordons Transport, Inc.	§ 177.841(e)	Authorizes packages containing Class B poisons to be placed in a specially designed reusable overpack and transported in the same vehicle with foodstuff, feed or any other edible material. (Mode 1).	To revise paragraph (e) of § 177.841 to read as follows: (e) A carrier may not transport a package bearing a poison label in the same motor vehicle with material that is marked as or known to be foodstuff, feed or any other edible material intended for consumption by humans or animals unless the inside package is overpacked in a liquid-tight and dust-proof container identified as package 4000 in the National Motor Freight Classification 100 I.
DOT-E 8315	Air Products & Chemicals, Inc	§ 173.314(c), Note 7	Authorizes shipments of Methyl chloride in DOT Specification 106A500X tanks by cargo vessel. (Mode 3).	To amend the Table entry for "Methyl chloride" in § 173.314(c) to reference Note 25 instead of Note 7 when shipped in DOT-106A500X tanks.
DOT-E 8385	Hercules, Inc.	§ 173.93(a)(10)	Authorizes shipment of Propellant explosives, sold in DOT Specification 21C-400 fiber drums having a maximum net weight of 265 pounds. (Mode 1).	To amend § 173.93(a)(10) by increasing the maximum net weight from 225 pounds to 265 pounds.
DOT-E 8395	3M Company	§ 173.124(a)(3)	Authorizes shipments of Ethylene oxide in inside aluminum cartridges, contents not over 138 grams each. (Modes 1, 2, 3, 4).	To amend paragraph (a)(3) of § 173.124 by increasing "135 grams" to read "138 grams".
DOT-E 8441	Duracell International, Inc., General Motors Corp., Bunker Ramo Corp., U.S. Dept. of Defense, Power Conversion, Inc., Sanders Associates, Inc., Battery Disposal Technology, Inc., Electrochem Industries, Inc., U.S. Dept. of Energy, Magnavox Electronics Systems Co., Magnavox Electronics Systems Co., Eagle-Picher Industries, Inc., Raytheon Co.		Authorizes shipments of depleted lithium cells and batteries, which when new, met the testing requirements of DOT-E 7052 and did not contain more than 12 grams of lithium per cell in DOT Specification 12B fiberboard boxes having a gross weight not over 65 pounds; or any metal or fiberboard drum that meets the requirements of § 173.24. (Mode 1).	To add a new entry to the Table in § 172.101 for "Lithium batteries, depleted" and add a new paragraph § 173.1015 to read as follows: § 173.1015 <i>Lithium batteries, depleted.</i> Depleted lithium batteries and cells which contained not more than 12 grams of lithium, per cell, when new, and are equipped with an effective means of preventing external short circuits may be transported only by motor vehicle to a disposal site, as an ORM-C, when overpacked in strong fiberboard boxes, metal, or fiber drums. All outside packagings must comply with § 173.24.
DOT-E 8446	Ethyl Corp	§ 173.354(a)(2)	Authorizes shipments of Motor fuel antiknock compound in DOT Specification 5B steel drums, with openings not exceeding 2.3 inches in diameter. (Modes 1, 2, and 3).	To revise paragraph (a)(2) of § 173.354 to read as follows: (2) Specification 5, 5A or 5B (§§ 178.80, 178.81, 178.82 of this subchapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter. Drums must be capable of withstanding the performance test prescribed for packaging Group 1 liquids having a specific gravity exceeding 1.2 as specified in the IMCO Code for 1A1A drums.
DOT-E 8463	Ethyl Corp	§ 173.262(b)	Authorizes shipments of Hydrobromic acid in a DOT Specification 12A fiberboard box, 275-pound test minimum, having not more than four inside glass bottles each having a capacity not exceeding one-quart, or 12 inside glass bottles each having a capacity not exceeding eight fluid ounces. Each bottle must be enclosed in a metal can and surrounded by a noncombustible cushioning material. (Mode 1).	To add paragraph (6) to § 173.262(b) to read as follows: (6) Specification 12A (178.210 of this subchapter). Fiberboard box with not more than four inside glass bottles not over one-quart capacity each, or 12 inside glass bottles not over eight fluid ounces each. Each bottle must be enclosed in a metal can and surrounded by a noncombustible cushioning material. Box shall be constructed of at least 275-pound test (Mullen or Cady) corrugated fiberboard.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 8506.....	Dow Chemical Co.....	§ 178.102-2(c).....	Authorizes the construction of a DOT 6D cylindrical steel overpack with two holes not exceeding $\frac{1}{8}$ inch each diametrically opposite each other in the overpack body immediately below the top chime instead of immediately above the bottom chime. (Modes 1, 2, 3).	To revise § 178.102-2(c) to read as follows: (c) Two holes not exceeding $\frac{1}{8}$ inch each are permitted diametrically opposite each other in the overpack body immediately below the top chime or immediately above the double seam of the bottom chime or three holes not exceeding $\frac{1}{8}$ inch in diameter on centers 120 degrees apart in the bottom head.
DOT-E 8587.....	Thatcher Chemical Co, Economics Lab., Inc.	§ 173.256.....	Authorizes shipments of Compound, cleaning, liquid (containing hydrofluoric acid) in DOT Specification 12P fiberboard boxes with one inside specification 2U polyethylene container of not over 5-gallon capacity. (Mode 1).	To add paragraph (8) to § 173.256 to read as follows: (8) Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with one inside specification 2U (§ 178.24 of this subchapter) polyethylene container of not over 5-gallon capacity or two inside specification 2U polyethylene containers of not over 2½ gallon capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures. Not authorized for transportation by air.
DOT-E 8618.....	Alaska International Air, Inc., South Central Air.	§ 175.320.....	Authorizes shipments of Fuel, aviation, turbine engine; Methyl alcohol; or Toluene in DOT Specification 5, 5A, 5B, 5C, 5M, 17E or 17C drums of 55-gallon capacity each by Cargo aircraft only within the State of Alaska. (Mode 4).	To amend the Table in § 175.320 by adding the following entry: Fuel aviation, turbine engine; Methyl alcohol; or Toluene * * * Flammable liquid * * * Permitted in metal drums having rated capacity of 55 gallons or less. May not be transported in the same aircraft with materials classed as Class A, B, or C explosives, blasting agents, corrosive materials or oxidizing materials. Permitted in installed tanks each having a capacity of more than 110 gal. subject to the conditions specified in paragraph (c) of this section.
DOT-E 8623.....	E. I. du Pont de Nemours & Co., W. R. Grace & Co.	§ 173.352(a)(5).....	Authorizes shipments of Sodium cyanide solution or Potassium cyanide solution in DOT Specification MC-304, MC-307 and MC-312 cargo tanks having a minimum design pressure of 25 psig. (Mode 1).	To revise § 173.352(a)(5) to read as follows: (5) Specification MC-300, MC-301, MC-302, MC-303, MC-304, MC-305, MC-306, MC-307 or MC-312 (§§ 178.341, 178.342, 178.343 of this subchapter). Tank motor vehicles.
DOT-E 8625.....	Airco, Inc. (Ohio Medical Products).....	§ 173.314.....	Authorizes shipments of Nitrous oxide in DOT Specification 105A500W or 105A600W tank cars under the same conditions as applicable to carbon dioxide. (Mode 2).	To amend the Table in § 172.101 to include § 173.314 in Column (5)(b) for Nitrous oxide and add Nitrous oxide to the Table in § 173.314(c). Column 2 of the § 173.314(c), Table would read Note 5 and the third Column would read DOT 105A500W, 105A600W, Note 6.
DOT-E 8655.....	Western Electric Co., Sperry Univac Defense Systems, Digital Equipment Corp., American Chemical & Refining Co. Inc.	§ 173.352(a).....	Authorizes shipments of Cyanide solution, n.o.s. in DOT Specification 6D steel overpacks with inside DOT Specification 2S or 2SL polyethylene packaging. (Modes 1 and 3).	To add paragraph (a)(7) to § 173.352 to read as follows: (7) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside Specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene packaging. Not authorized for transportation by air.
DOT-E 8659.....	Goodyear Tire & Rubber Co.....	§ 173.224(a)(4).....	Authorizes shipments of Diisopropylbenzene hydroperoxide, not exceeding 60% by weight in a nonvolatile solvent in DOT Specification MC-310, MC-311 or MC-312 cargo tanks. Bottom outlets are not authorized. (Mode 1).	To revise paragraph (a)(4) of § 173.224 to read as follows: (4) Specification MC-310, MC-311 or MC-312 (§ 178.343 of this subchapter). Tank motor vehicles. Authorized for diisopropylbenzene hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent. Bottom outlets are not authorized. Authorized for paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent. Authorized for pinane hydroperoxide of strength not exceeding 45 percent in a nonvolatile solvent. Authorized for cumene hydroperoxide of strength not exceeding 90 percent in a nonvolatile solvent in MC-311 or MC-312 cargo tanks only.
DOT-E 8661.....	Ethyl Corp.....	§ 173.119(m).....	Authorizes shipments of Meta pheoxybenzaldehyde cyanohydrin (with 12 percent toluene) a flammable liquid which is also a Poison B in DOT Specification 51 portable tanks. Bottom outlets are prohibited. (Modes 1, 2 and 3).	To add paragraph (15) to § 173.119(m) to read as follows: (15) Specification 51 (§ 178.245 of this subchapter). Portable tank. Authorized only for a flammable liquid which is also a Poison B liquid. Bottom outlets are not authorized.
DOT-E 8686.....	NL Industries, Inc.....	§ 173.297.....	Authorizes shipments of Titanium sulfate solution containing not more than 45% sulfuric acid in a DOT Specification 34 polyethylene container without overpack, not over 30-gallon capacity. (Mode 1).	To add paragraph (a)(7) to § 173.297 to read as follows: (7) Specification 34 (§ 178.19 of this subchapter). Polyethylene container without overpack, not over 30-gallon capacity.
DOT-E 8703.....	Union Carbide Corp.....	§ 172.101.....	Authorizes the name "Methyl isocyanate" as a proper shipping name and an identification number "UN 2480" instead of "Flammable liquid, corrosive, n.o.s." and "UN 2924". Packaging is as prescribed in § 173.119, as appropriate. (Modes 1 and 2).	To amend the Table in § 172.101 by adding an entry for "Methyl isocyanate" (see Table at end of document).

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 8715	W. L. Gore & Associates	§ 173.119(m)(3)	Authorizes shipments of an etchant classed as a flammable liquid which is also corrosive in an inside metal can not over one-pint capacity each, surrounded by a sufficient quantity of noncombustible material to absorb the liquid contents. (Modes 1, 2 and 4).	To revise paragraph (m)(3) of § 173.119 to read as follows: (3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with inside glass or earthenware containers not over 1-quart capacity each, or inside metal cans not over 1-pint capacity each. Inside containers must be cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container. Use of the inside metal can is authorized only for materials which will not react dangerously with the metal can, or be decomposed by contact with it.
DOT-E 8745	Goex, Inc.	§ 173.60, § 178.140	Authorizes shipments of Black powder in DOT Specification 13 metal kegs, not less than 7 inches long. Net weight not less than 6½ pounds nor more than 150 pounds. Specification 13 was removed by Docket HM-166C on September 11, 1980. At that time, MTB was not aware that this specification packaging was still being manufactured and in general use. (Modes 1, 2, 3).	To add paragraph (a)(1) to § 173.60 to read as follows: (1) Specification 13 (§ 178.140 of this subchapter). Metal kegs, not less than 7 inches long. Net weight not less than 6½ pounds nor more than 150 pounds. To reinstate § 178.140 to read as it did prior to its removal by Docket No. HM-166C.

## § 172.101 Hazardous materials table.

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+ EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
	(Add) Lithium batteries, depleted. Methyl isocyanate	ORM-C  Flammable liquid.	  UN2480	None  Flammable liquid and Poison.	None  None	173.1015  173.119	Forbidden  Forbidden	Forbidden  10 gallons	  1	  5	  Keep cool. Stow away from living quarters and sources of heat.

{49 U.S.C. 1803, 1804, 1808; {49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of Appendix A to Part 106}}

**Note.**—The Materials Transportation Bureau has determined that this proposed regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor

does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the Docket. I certify that this proposed regulation if published as a final rule, will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C., on June 22, 1982.

**Alan I. Roberts,**  
*Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.*

[FR Doc. 82-17493 Filed 6-30-82; 8:45 am]

**BILLING CODE 4910-60-M**

# Notices

Federal Register

Vol. 47, No. 127

Thursday, July 1, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Federal Grain Inspection Service

#### Renewals of Designation of Grain Inspection, Inc., and Kankakee Grain Inspection Bureau, Inc.

**AGENCY:** Federal Grain Inspection Service.

**ACTION:** Notice.

**SUMMARY:** This notice announces the renewals of designation of Grain Inspection, Inc. (Jamestown), and Kankakee Grain Inspection Bureau, Inc. (Kankakee), as official agencies responsible for providing inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act).

**EFFECTIVE DATE:** August 1, 1982.

**ADDRESS:** James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405, Auditors Building, Washington, DC 20250, telephone (202) 447-8525.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The January 29, 1982, issue of the *Federal Register* (47 FR 4470) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Jamestown and Kankakee's designations would terminate on July 31, 1982, and requesting applications for designation as the agency to provide official inspection services within each specified assigned area. Applications

were to be postmarked by March 1, 1982.

FGIS announced the names of the applicants for designation for each agency and requested comments on same in the April 1, 1982, issue of the *Federal Register* (47 FR 13980). Comments were to be postmarked by May 17, 1982.

No comments were received regarding the renewal of designation of Jamestown or Kankakee (the only applicants for each respective designation) as the official agency in each area cited in the January 29 issue of the *Federal Register*.

After considering all available information in relation to the criteria for designation in Section 7(f)(1)(A) of the Act, and in accordance with Section 7(f)(1)(B), it has been determined that Jamestown and Kankakee are able to provide official services in the geographic area for which their designations are being renewed. Each assigned area is the entire geographic area as described in the January 29 issue of the *Federal Register*.

Effective August 1, 1982, and terminating July 31, 1985, the responsibility for providing official inspection services in each geographic area as specified above will be assigned to Jamestown and Kankakee, respectively.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency and one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the agencies will provide official inspection services not requiring a licensed inspector to all locations within their geographic area.

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of the specified service points. Interested persons may also obtain a list of the specified service points by contacting the agencies at the following addresses:

Grain Inspection, Inc., P.O. Box 1652,  
Jamestown, ND 58401

Kankakee Grain Inspection Bureau, Inc.,  
P.O. Box 102, Kankakee, IL 60901  
(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Date: June 15, 1982.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 82-17341 Filed 6-30-82; 8:45 am]

BILLING CODE 3410-EN-M

#### Request for Comments on Applicants for Designation in the Areas Currently Assigned to the Los Angeles Grain Inspection Service, Inc., and Peoria Grain Inspection Service, Inc.

**AGENCY:** Federal Grain Inspection Service.

**ACTION:** Notice.

**SUMMARY:** This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to the Los Angeles Grain Inspection Service, Inc. (Los Angeles), and Peoria Grain Inspection Service, Inc. (Peoria). The designations terminate October 31, 1982.

**DATE:** Comments to be postmarked on or before August 16, 1982.

**ADDRESS:** Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1642, South Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 382-0231. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** Lewis Lebakken, Jr., telephone (202) 382-0231.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The May 3, 1982, issue of the *Federal Register* (47 FR 18942) contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to Los Angeles and Peoria,



respectively. Applications were to be postmarked by June 2, 1982.

One applicant, Los Angeles Grain Inspection Service, Inc., requested designation for all of the geographic area currently assigned to Los Angeles. One applicant, Peoria Grain Inspection Service, Inc., requested designation for all of the geographic area currently assigned to Peoria. Los Angeles and Peoria each applied for a renewal of designation for an additional 3-year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants for designation. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than August 16, 1982 (45 days after publication).

Consideration will be given to comments filed and to other information available before a final decision is made with respect to this matter. Notice of the final decision will be published in the *Federal Register* and the applicants will be informed of the decision in writing. (Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: June 15, 1982.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 82-17340 Filed 6-30-82; 8:45 am]

BILLING CODE 3410-EN-M

### Termination of Designations of the Minnesota Department of Agriculture and Mississippi Department of Agriculture and Commerce

**AGENCY:** Federal Grain Inspection Service.

**ACTION:** Notice.

**SUMMARY:** This notice announces that the designations of two official agencies will terminate, in accordance with the U.S. Grain Standards Act, as amended, on December 31, 1982, and requests applications from parties interested in being designated as agencies to conduct official inspection, official weighing, and supervision of weighing services in the geographic areas currently serviced by each of the specified agencies. The official agencies are the Minnesota Department of Agriculture and Mississippi Department of Agriculture and Commerce.

**DATE:** Applications to be postmarked on or before August 2, 1982.

**ADDRESS:** James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection

Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250, telephone (202) 447-8525. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1, therefore the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) and 7A(c)(1) of the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*, at 79(f)(1) and 79a(c)(1)) (Act), specifies that the Administrator of the Federal Grain Inspection Service is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official inspection, official weighing, and supervision of weighing services after a determination is made that the applicant is better able than any other applicant to provide official inspection, official weighing, and supervision of weighing services in an assigned geographic area.

The Minnesota Department of Agriculture, 316 Grain Exchange Building, Minneapolis, Minnesota 55415, was designated as an official agency under the Act for the performance of official inspection functions on July 24, 1978; for weighing functions on November 20, 1978. The Mississippi Department of Agriculture and Commerce was designated as an official agency under the Act for the performance of official inspection functions on July 1, 1978; for weighing functions on November 20, 1978. The agencies' designations for performance of both inspection and weighing functions will terminate on December 31, 1982. This date reflects administrative extensions of official agency designations as discussed in the July 16, 1979, issue of the *Federal Register* (44 FR 41275). Section 7(g)(1) of the Act states generally that designations of official agencies shall terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Minnesota pursuant to Section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for

designation is the entire State of Minnesota, except those export port locations within the State.

The geographic area presently assigned to Mississippi pursuant to Section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the entire State of Mississippi, except those export port locations within the State.

Interested parties, including Minnesota and Mississippi, are hereby given opportunity to apply for designation as the official agency for each respective specified geographic area, as described above, under the provisions of Section 7(f) and 7A(c)(1) of the Act and section 800.196(b) of the regulations issued thereunder. The designations in each specified geographic area are for the period beginning January 1, 1983, and terminating December 31, 1985. Parties wishing to apply for these designations should contact the Chief, Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than August 2, 1982 (30 days after publication) to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official inspection, official weighing, and supervision of weighing services in the geographic areas, consideration will be given to all applications submitted and all other information available.

(Sec. 8, Sec. 9, Pub. L. 94-582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Date: June 15, 1982.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 82-17339 Filed 6-30-82; 8:45 am]

BILLING CODE 3410-EN-M

### Forest Service

#### Caribou National Forest Grazing Advisory Board Committee; Meeting

The Caribou National Forest Grazing Advisory Board Committee will meet at 9:30 a.m., August 2, 1982, at the Montpelier Ranger Station, 431 Clay Street, Montpelier, Idaho.

The meeting will consist of a field tour of cattle and sheep ranges on the Montpelier Ranger District and a short meeting at the end of the tour to accumulate and discuss the recommendations developed during the day. Agenda items for the tour will include: (1) Discussion and development of the Forest Plan; (2) organization and

operation of the Board; (3) use of the 1982 and 1983 Ranger Betterment Funds; (4) observation of ranger betterment treatment in sage and aspen; (5) physical range improvements; (6) ORV management; (7) noxious weed treatment; (8) discussion of permit transfers, non-use, and delinquent fee payments in relation to the depressed economy.

Lunch will be provided for Forest and Advisory Board members at the Clear Creek Guard Station in Crow Creek.

The meeting is open to the public. Interested persons desiring to make the field trip should furnish their own transportation and lunch. During the last stop of the day, there will be a short meeting to finalize recommendation and to receive oral statements and answer any questions from the public. Written statements may be filed at any time for the Board's consideration.

The meeting will terminate at the Montpelier Ranger Station about 4:30 p.m.

Summary minutes of the tour, meeting, and board recommendations will be maintained in the Forest Supervisor's office in Pocatello and will be available for public inspection within 30 days following the meeting.

Dated: June 24, 1982.

Frank G. Beitia,  
Acting Forest Supervisor.

[FR Doc. 82-17931 Filed 6-30-82; 8:45 am]

BILLING CODE 3410-11-M

## Office of the Secretary

### Forms Under Review by Office of Management and Budget

June 25, 1982.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper, Statistical Clearance Officer (202) 447-6201.

## New

• Rural Electrification Administration  
Field Trials  
REA Form 399b

On occasion

Businesses or other institutions: 80 responses; 320 hours; not applicable under 3504(h)

Ed Cohen (202) 382-8698

## Revised

• Food and Nutrition Service  
Food Service Management Company  
Application for Registration (SFSP)  
FNS-189

Annually

State or local governments and businesses or other institutions: 234 responses; 560 hours; not applicable under 3504(h)

Norma Ball (703) 756-3888

Richard J. Schrimper,  
Statistical Clearance Officer.

[FR Doc. 82-17749 Filed 6-30-82; 8:45 am]

BILLING CODE 3410-01-M

### Joint Committee on the Future of Cooperative Extension; Meeting

Notice is hereby given that the Joint Committee on the Future of Cooperative Extension will meet August 4, 1982, from 8:30 a.m. to 5:00 p.m., August 5, from 8:30 a.m. to 5:00 p.m., and August 6, from 8:30 a.m. to 12:00 p.m., at the Minneapolis Hilton Inn, 1330 Industrial Boulevard, Minneapolis, Minnesota.

The Committee's purpose is to advise the Secretary of Agriculture on policies and programs affecting the mission, future scope and priorities of Cooperative Extension nationally throughout the 1980's and beyond. The agenda for the meeting will consist of a review of the results of the national extension survey, discussion on the future mission of extension, roles, methods, funding, and accountability and evaluation.

The meeting of the Joint Committee on the Future of Cooperative Extension is open to the public for observation on a space available basis.

For additional information contact Dr. Mary Nell Greenwood, Administrator, Extension Service, Room 340 Administration Building, 14th and Independence Avenue, SW, Washington, D.C. 20250. Telephone 202/447-3377. Written comments may also be addressed to Dr. Greenwood.

Mary Nell Greenwood,

Administrator, Extension Service.

[FR Doc. 82-17743 Filed 6-30-82; 8:45 am]

BILLING CODE 3410-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Articles of Quota Cheese; Quarterly Determination and Listing of Foreign Government Subsidies

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Quarterly update of Foreign Government Subsidies on Articles of Quota Cheese.

**SUMMARY:** The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared a quarterly update to our annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

**EFFECTIVE DATE:** July 1, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Susan E. Silver or Patricia W. Stroup, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-3691.

**SUPPLEMENTARY INFORMATION:** Section 702(a) of the Trade Agreements Act of 1979 (19 U.S.C. 1202 note) ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Department of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy

amounts have changed for each of the countries for which programs were identified in the April 1, 1982, quarterly update to our annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Dated: June 28, 1982.

Judith Hippler Bello,

Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

#### APPENDIX—QUOTA CHEESE SUBSIDY PROGRAMS

Country and program(s)	Subsidy (per pound)	
	Gross <sup>1</sup>	Net <sup>2</sup>
Belgium: European Community (EC) restitution payments.....	9.3¢	9.3¢
Canada: Export assistance on certain types of cheese.....	16.9¢	16.9¢
Denmark: EC restitution payments.....	3.8¢	3.8¢
Finland:		
Export subsidy.....	102.2¢	102.2¢
Indirect subsidies.....	19.5¢	19.5¢
Total.....	121.7¢	121.7¢
France: EC restitution payments.....	5.6¢	5.6¢
Ireland: EC restitution payments.....	7.3¢	7.3¢
Italy: EC restitution payments.....	19.5¢	19.5¢
Luxembourg: EC restitution payments.....	9.3¢	9.3¢
Netherlands: EC restitution payments.....	1.2¢	1.2¢
Norway:		
Indirect (milk) subsidy.....	21.1¢	21.1¢
Consumer subsidy.....	46.7¢	46.7¢
Total.....	67.8¢	67.8¢
Portugal: Direct subsidy on all sales of Gouda cheese.....	18.1¢	18.1¢
Switzerland: Deficiency payments.....	82.0¢	82.0¢
United Kingdom: EC restitution payments.....	4.2¢	4.2¢
West Germany: EC restitution payments.....	4.8¢	4.8¢

<sup>1</sup> Defined in 19 U.S.C. 1677(5).

<sup>2</sup> Defined in 19 U.S.C. 1677(6).

[FR Doc. 82-17962 Filed 6-30-82; 8:45 am]

BILLING CODE 3510-25-M

#### Final Affirmative Countervailing Duty Determination Prestressed Concrete Steel Wire Strand From Spain

AGENCY: International Trade Administration, Commerce.

**ACTION:** Final affirmative countervailing duty determination.

**SUMMARY:** We have determined that the government of Spain is providing its manufacturers, producers, or exporters of prestressed concrete steel wire strand ("PC strand") with benefits that constitute subsidies within the meaning of the countervailing duty law. The estimated net amount of the subsidy is 1.77 percent of the f.o.b. value of the imported merchandise. Therefore, we are directing the U.S. Customs Service to continue the suspension of liquidation ordered in the preliminary determination of all entries of the product subject to the investigation which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond in the amount equal to the net subsidy. The U.S. International Trade Commission ("ITC") will determine within 45 days of the publication of this notice whether these imports are materially injuring, or threatening to materially injure, a U.S. industry.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** John R. Brinkmann Jr., Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, (202) 377-4929.

#### SUPPLEMENTARY INFORMATION:

##### Final Determination

Based upon our investigation, we determine that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in Spain of PC strand as described in the "Scope of Investigation" section of this notice. For the purpose of this investigation, the program found to be a subsidy is the Privileged Circuit Exporter Credits Program: Working Capital Loans. We determine the estimated net subsidy to be 1.77 percent of the f.o.b. value of the imported merchandise.

##### Case History

On November 5, 1981, we received a petition from counsel on behalf of five domestic manufacturers of PC strand. Those manufacturers are: American Spring Wire Corporation, Armco Inc., Bethlehem Steel Corporation, Florida Wire & Cable Company, and Shinko Wire America, Inc. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act were being

provided, directly or indirectly, to the manufacturers, producers, or exporters in Spain of PC strand.

We reviewed the petition and determined that an investigation should be initiated on November 25, 1981 (46 FR 58543). In that notice we stated that we expected to issue a preliminary determination no later than January 29, 1982. We subsequently determined that the investigation was "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination (47 FR 2141).

Section 303 of the Act applied to this investigation when it was initiated because at that time, Spain was not a "country under the Agreement" within the meaning of section 701(b) of the Act, and the product at issue was dutiable. Therefore the domestic industry was not required to allege, and the ITC was not required to determine whether, imports of this product caused or threatened material injury to the U.S. industry in question.

A questionnaire concerning the allegations was presented to the government of Spain on December 29, 1981. We received responses to our questionnaires from the government of Spain on February 22 and March 1, 1982.

On April 5, 1982 the Department of Commerce ("the Department") preliminarily determined that the government of Spain was providing its manufacturers, producers, or exporters of PC strand with benefits that are bounties or grants within the meaning of the countervailing duty law (47 FR 15618). We estimated the net bounty or grant to be 1.44 percent of the f.o.b. value of the imported merchandise, and directed the U.S. Customs Service to suspend liquidation of all entries or warehouse withdrawals for consumption of this merchandise and to require a cash deposit or bond in an amount equal to the estimated net bounty or grant.

On April 14 the Office of the U.S. Trade Representative announced that Spain had become a "country under the Agreement." Section 102(a)(2) of the Act governs the treatment of cases in which a country, currently the subject of an investigation, becomes a "country under the Agreement" before a final determination. It states that where a preliminary but not the final determination has been made under section 303 of the Act, the case is to be treated as if the preliminary determination were made under section 703 as of the date Title VII first applied to the case. Therefore, the date Spain became a "country under the Agreement," April 14, 1982, is the date of

the preliminary determination. Notice to this effect was published in the *Federal Register* of April 29, 1982 (47 FR 18402). We advised the ITC of the status of the case and, in accordance with § 355.25(b) of the Commerce Regulations, made information from our files available to it.

#### Scope of the Investigation

The merchandise covered by this investigation is prestressed concrete steel wire strand, a product used to compress concrete in order to provide active resistance to loads in such items as girders, beams, pilings, and other building materials. PC strand is currently classified under item number 642.1120 of the *Tariff Schedules of the United States Annotated*.

#### Analysis of Programs

In its response, the government of Spain provided data for calendar years 1980 and 1981. The government identified two programs, the "Desgravacion Fiscal a la Exportacion" ("DFE") and the Privileged Circuit Exporter Credits, as having been utilized by the Spanish PC strand producers and exporters. Three firms are known to have produced and exported PC strand to the United States during this time period. They are Elaborados Metalicos, S.A. ("EMESA"), Trenzas y Cables de Acero, S.A. ("TYCSA"), and Nueva Montana Quijano, S.A. ("NMQ"). We verified the data pertaining to EMESA and TYCSA as these firms accounted for approximately 98 percent of the exports of PC strand from Spain to the U.S. in 1981.

The following is based upon our analysis of the petition, the response, our verification and information from interested parties:

#### Programs Determined To Be Subsidies

We determine that subsidies are being provided to manufacturers, producers, or exporters in Spain of PC strand under the following program:

##### *Privileged Circuit Exporter Credits Program: Working Capital Loans*

We determine that the government of Spain is providing subsidies to its manufacturers, producers, or exporters of PC strand through working capital loans under the Privileged Circuit Exporter Credits Program.

The government of Spain requires all Spanish commercial banks to maintain a specific percentage of their lendable funds in privileged circuit accounts. These funds are made available to exporters at preferential interest rates. While there is no direct outlay of government funds, the benefits conferred on the companies are the

result of a government mandated program to promote exports. Of the four privileged circuit programs identified by petitioner, we determined that PC strand producers benefited from one by receiving working capital loans.

Under the privileged circuit program, firms may obtain working capital loans for less than one year the total of which is not to exceed a specified percentage of their previous year's exports. In 1981 this percent was 20 percent until November when it was decreased to 16 percent for firms without exporter's cards. For firms with government issued exporter's cards such as EMESA, TYCSA and NMQ, the change was from 30 to 24 percent. In 1981, the privileged circuit working capital loan interest rate ceiling mandated by the government was 10 percent, including fees and commissions.

In the preliminary determination we calculated the amount of the bounty or grant to PC strand producers, by computing the interest on the working capital loans using the 10 percent rate under the privileged circuit program, less commissions and fees, and comparing it with an average interest rate or the rate received commercially by each of the firms on loans of similar duration. A per ton subsidy was calculated by prorating the interest differential for each firm over that firm's total exports of all products in 1981. We weight-averaged the benefits of the companies to arrive at the benefit to PC strand producers. In this final determination we have made adjustments to our calculations to reflect the fact that these working capital loans are available throughout Spain to all parties meeting eligibility requirements. In such instances we calculate the subsidy by comparing the preferential interest rate with the national average commercial interest rate on loans with similar terms and conditions.

In this case TYCSA and EMESA received all their 1981 privileged circuit working capital loans, most of which were approximately one year in length, between June and December, 1981. We determined that for the period June through December 31, 1981, the average prime interest rate was 16.94 percent for loans of 1 year or more and that the average borrowers paid 2 percentage points over the prime rate for loans of this type. As the 10 percent working capital loan rate includes fees and commissions, we also made an addition of 0.5 percent to the commercial rate, which by Spanish law is the maximum allowable charge for fees and commissions.

Based on this data we determined the national average commercial interest rate to average borrowers to be 19.44 percent for one-year loans, including fees and commissions. To determine the benefit, the interest differential of 9.44 percent was applied to the total privileged circuit working capital loans of PC strand producers exporting to the United States. The total working capital loan figure for 1981 was comprised of the actual loans received by TYCSA and EMESA and the amount of loans NMQ (representing 2 percent of the exports to the U.S. in 1981) was eligible to receive under this program in 1981, as specific loan information was not made available. We used 24 percent of the NMQ's 1980 exports to represent this figure. This benefit was prorated over all exports of these companies to arrive at a subsidy per metric ton. We divided this figure by the weighted-average f.o.b. price per metric ton of all PC strand exported to the United States to arrive at the estimated countervailing duty rate of 1.77 percent.

#### Programs Determined Not To Be Subsidies

We determine that subsidies are not being provided to manufacturers, producers, or exporters of PC strand under the following programs:

1. *Desgravacion Fiscal a la Exportacion (DFE)*. Spain employs a cascading tax system. A turnover tax (IGTE) is levied on each sale of a product through its various stages, of production, up to (but not including) the ultimate sale at the retail level. The DFE is the mechanism used in Spain for the rebate of these accumulated taxes (hereafter referred to as "indirect taxes") upon exportation of that product. In this case we have determined that the DFE is a non-excessive rebate of indirect to taxes paid on items physically incorporated into PC strand. These rebate payments meet the requirements of our three-prong test recently upheld by the Court of International Trade in *Industrial Fasteners Group, American Importers Association v. United States*, 2 CIT —, Slip Op. 81-99, October 29, 1981. That test, consisting of three lines of inquiry, all of which must be answered affirmatively to determine that an export payment such as the DFE is not a subsidy, asks the following:

(1) Whether the (export payment) operates for the purpose of rebating indirect taxes, (2) whether there is a clear link between eligibility for (export payments) and payment of indirect taxes, and (3) whether the government has reasonably calculated and documented the actual indirect tax incidence

borne by (exported products) and has demonstrated a clear link between such tax incidence and the amount of the (export payment).

The laws and regulations which establish and control the Spanish tax system, and subsequent submissions by the Spanish regarding the indirect tax incidences on PC strand, satisfy the requirements of this three-prong test. In calculating the DFE payments to be rebated to exporters of PC strand, the Spanish used an input-output table of the economy that defined indirect tax incidences on a sectoral basis. This is the basis for a schedule of border taxes (ICGI) designed to subject imported goods to a tax burden equivalent to that borne by an identical or similar item produced in Spain. The DFE is tied by law to the level of the ICGI.

To demonstrate the actual indirect tax incidence on PC strand the government of Spain provided a "structure of cost" analysis of the product. This identified inputs incorporated into the product and the indirect tax incidence burdening each input.

The "structure of cost" indicated that steel wire rod, the major input physically incorporated into PC strand, accounted for approximately 75 percent of the total cost of producing the product. Three other inputs (lead, packing and other materials) accounted for approximately 1.95 percent of the total cost. The remaining factors included in the cost of producing PC strand were not identified in this "structure of cost" and therefore these other factors were not considered in the calculation of the total indirect tax incidence of items physically incorporated into the production of PC strand. We verified the inputs and their relationship to the total cost of the finished product from company production records. Our verification of these figures at EMESA and TYCSA showed the "structure of cost" inputs and percentages to be correct.

Based on the 1980 IGTE tax rate of 2.4 percent, the total indirect tax burden (including two final stage taxes) on PC strand in 1980 was 12.55 percent. The DFE rate in 1980 did constitute an over-rebate of indirect taxes because the DFE rebate for PC strand was 15.5 percent. However, in January, 1981, the government of Spain increased the IGTE tax rate by 58 percent to 3.8 percent, making the 1981 indirect tax burden on PC strand 19.74 percent. A further increase in the IGTE tax rate in January, 1982 to 4.6 percent increased the indirect tax burden to 23.92 percent. As a result of these increases in the tax rate the over-rebate was eliminated. Therefore we determine that the current DFE

rebate of 15.5 percent is less than the indirect tax burden currently borne by this product and thus, in this case, the DFE is not a benefit which constitutes a subsidy.

**2. Benefits to the Steel Industry.** One of the allegations raised by petitioner is that manufacturers of PC strand benefited from indirect subsidies by purchasing wire rod or billets from subsidized Spanish steelmakers. The Department has verified that both EMESA and TYCSA purchased only steel wire rod for their strand production and that these purchases were made from a variety of unrelated domestic and international suppliers at prices which were reasonably comparable. Our verification indicates that these purchases were arm's length transactions. Therefore we have determined that these manufacturers of PC strand are not receiving benefits which constitute subsidies as a result of their transactions with unrelated steel wire rod suppliers.

#### Programs Not Utilized Or Not Applicable

We determine that the following programs, which were described in the notice of "Initiation of Countervailing Duty Investigation", are not used or are not applicable to manufacturers, producers, or exporters in Spain of PC strand.

#### 1. Certain Privileged Circuit Exporter Credits.

Those privileged circuit programs alleged by the petitioner but not utilized by PC strand producers are:

- Commercial services loans
  - Short-term export credit
  - Prefinancing of exports
2. Warehouse Construction Loans;  
3. Export Credit Insurance;  
4. Other benefit programs included in this investigation from prior Spanish countervailing duty cases.

#### Petitioner's Issues

**Issue—**Counsel for petitioner argues that the DFE is a subsidy under section 771(5) and example (g) of Annex A to the Subsidies Code and may not be offset by the indirect taxes paid. They further argue that the legislative history of the Act did not intend for tax systems such as the Spanish cascade system to be brought under the administrative practice of finding that the non-excessive remission of indirect taxes is not a subsidy.

**DOC Position—**The Department does not consider the non-excessive rebate of indirect taxes to be a subsidy. The Court of International Trade upheld the Department's position on this matter in

the *Industrial Fasteners* case cited above. Therefore the use of offsets is not an issue here.

**Issue—**Counsel for petitioner contends that even if they accept the position that the non-excessive remission of turnover taxes is not a subsidy, the methodology employed by the Spanish for deriving the indirect tax amount is an approximation and does not satisfy the "reasonably calculated" part of the three-prong test. Counsel describes the steps in the production of PC strand, and treating each step in the process as a turnover, estimates the incidence of indirect taxes on PC strand. Counsel contends that under this model, and assuming the maximum number of turnovers in the production of PC strand, the DFE rebate is excessive and results in an *ad valorem* subsidy of 11.8 percent.

**DOC Position—**When analyzing a turnover tax system, we cannot simply count, as counsel suggests, the various turnovers that take place in manufacturing a product to determine the actual incidence of tax paid. Each of the principal inputs entering into the final product has its own pyramid of turnover taxes. The aggregate tax burden is the basis for the DFE rebate. Furthermore the tax is levied on the full value of the product at each turnover resulting in a tax-on-tax effect. The difficulties in a step-by-step analysis of the turnover tax on each input in a product requires countries which utilize such systems to rely on a macroeconomic approach like that of the input-output tables to measure indirect tax incidences.

The methodology used by the Spanish government has been evaluated by the Treasury and Commerce Departments. It is clear from records on previous Spanish countervailing duty cases that Treasury was satisfied that the methodology was based on sound economic principles and established the total turnover tax attributed to various elements in the manufacture of a product. In addition, we have analyzed the Spanish government's methodology with respect to one product and determined that it results in a reasonable calculation of indirect tax incidence. The Spanish government has informed us that the same methodology was applied in calculating indirect tax incidence on all other Spanish products currently subject to U.S. countervailing duty orders or investigations. Since these studies are used by the Spanish government to establish import tax levels as well as export rebates, there is no reason to believe that they are manipulated in order to minimize U.S.

countervailing duties. Therefore we have determined that the Spanish government's input-output system may appropriately be used in our countervailing duty cases.

*Issue*—Counsel for petitioner states that the Spanish government response to our questionnaire should not have been verified because it was incomplete, conclusory and non-specific. Additionally, where a government or a company fails to disclose information requested during verification, petitioner contends that the Department should use the information provided in the petition.

*DOC Position*—The Department determined that the response was verifiable. While certain documents requested at verification were not submitted, the Department is satisfied that the documents submitted in place of those requested were adequate to allow a complete verification of the information used in arriving at this determination.

*Issue*—Counsel challenges the position taken by the Department on indirect subsidies in the preliminary determination on the grounds that it is not consistent with the statutory purpose of the countervailing duty law and is unsupported by economic analysis. Counsel argues that: (1) The distinction between related party suppliers and unrelated party suppliers should not be used as a basis for determining when a benefit "flows through" from the supplier to a purchaser; and (2) the language "directly or indirectly" in sections 701 (a)(1) and 771(5)(B) of the Act allows the Department to find that payments to steel wire rod suppliers constitute subsidies to PC strand producers.

*DOC Position*—The benefits allegedly conferred by the Spanish government on the primary carbon steel industry would have to be determined to benefit the PC strand industry specifically in order to constitute a countervailable benefit to PC strand producers. We cannot assume that benefits conferred by the government to one party are passed through to another party without looking at the economic environment surrounding those industries. Petitioner's claim that benefits to wire rod producers are automatically passed through to PC strand producers does not conform with the economic realities of steel consuming industries. This is particularly true when one gives consideration to the concept of "own" price elasticity of demand. It is generally in the commercial interest of a firm receiving a subsidy not to share the benefits with its customers. Hence, when Spanish wire rod producers sold

to many different industries and where Spanish PC strand producers bought from several sources, there is no reason to believe that any possible subsidy to the wire rod industry was passed on specifically to the PC strand industry.

*Issue*—Counsel for petitioner contends that since the PC strand producers currently receive non-privileged circuit working capital loans from banks which own a percentage of their stock, the rates and conditions on all such loans do not comport with commercial considerations, and therefore constitute a countervailable benefit within the meaning of section 701 of the Act.

*DOC Position*—Because the banks own large percentages of the companies, we consider the rates and conditions of non-privileged circuit working capital loans to be those of intracorporate transactions and not subsidies.

#### Respondent's Issues

Counsel for TYCSA and EMESA argues that in the preliminary determination the Department overstated the weighted-average subsidy in connection with the Privileged Circuit Exporter Credits Program and cites four areas of contention.

*Issue*—Commerce should calculate the interest differential for loans obtained on the exports under analysis.

*DOC Position*—Our calculations include the privileged circuit working capital loans obtained in 1981. Therefore it is appropriate to use the interest differential in effect in 1981 when these loans were received and to spread the benefit from these working capital loans over 1981 export figures.

*Issue*—Commerce should adjust its calculations to account for prepayment of interest on working capital loans.

*DOC Position*—The payment terms on these loans are not mandated by the government. They are negotiated with the bank and vary with the company. The difference between the preferential and national average commercial interest rate reflects these varying terms. We did not adjust working capital loans for prepayment of interest because the figure that results from the use of this interest differential in our calculations represents the amount of the subsidy conveyed by the working capital loans program.

*Issue*—Commerce should ensure comparable treatment of expenses and fees in connection with the making of loans.

*DOC Position*—As fees and commissions are contained in the preferential working capital loans, we

have included a charge for commissions and fees in the average commercial rate.

*Issue*—Commerce should ensure that a consistent exchange rate is utilized in its calculations.

*DOC Position*—We used only one exchange rate for currency conversions in our calculations. It was the average exchange rate certified by the Federal Reserve Bank in New York for 1981 of 88.8 pesetas to the dollar.

*Verification*—In accordance with section 776(a) of the Act, we verified the information submitted in the original response and relied upon in this determination. We used normal verification procedures to verify the government response. This included inspection of government documents, discussions with government and trade association officials, and on-site inspection of the manufacturers' production methods and records.

*Administrative Procedures*—The Department has afforded interested parties an opportunity to present oral views in accordance with § 355.35 of Commerce Regulations (19 CFR 355.35). A request for a public hearing was made by counsel for petitioners and a hearing was held on April 29, 1982. Counsels for the petitioners and respondents have provided written views in accordance with § 355.34(a) Commerce Regulations (19 CFR 355.34(a)).

*Suspension of Liquidation*—Customs officers are directed to continue the suspension of liquidation ordered in the preliminary determination of all entries of the product subject to the investigation which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond in the amount equal to 1.77 percent of the f.o.b. value of the imported merchandise. The security amount established in our April 12, 1982 preliminary determination is no longer in effect.

#### ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine on or before August 16, 1982 whether these imports are materially injuring, or



threatening to materially injure, a U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, within seven days of notification by the ITC of that determination, we will issue a countervailing duty order, directing Customs officers to assess a countervailing duty on PC strand from Spain entered or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the estimated net subsidy.

This notice is published pursuant to section 705 of the Act and § 355.33 of the Department of Commerce Regulations (19 CFR 355.33).

Lawrence Brady,

Assistant Secretary for Trade Administration.

June 25, 1982.

[FR Doc. 82-17968 Filed 6-30-82; 8:45 am]

BILLING CODE 3510-25-M

### **Bicycle Tires and Tubes From Korea; Final Results of Administrative Review of Antidumping Finding**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of final results of administrative review of antidumping finding.

**SUMMARY:** On February 23, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on bicycle tires and tubes from Korea. The review covers four of the five known exporters of this merchandise to the United States for separate time periods up to March 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. Four exporters and the petitioner submitted written comments. On April 8, 1981, the Department conducted a hearing requested by two Korean exporters. Three Korean exporters and the petitioner attended and presented oral comments. Based upon analysis of oral and written comments, the Department has adjusted the margins calculated for Hung-A and Korea Inoue Kasei. Margins for the remaining two exporters are unchanged from the margins published in the preliminary results.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Fargo or Michael R. Cox, Office of Compliance, International

Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5255).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On April 13, 1979, a dumping finding with respect to bicycle tires and tubes from Korea was published in the *Federal Register* as Treasury Decision 79-115 (44 FR 22051-2). On February 23, 1981, the Department of Commerce ("the Department") published in the *Federal Register* the preliminary results of its administrative review of the finding (46 FR 13531-2). The Department has now completed that administrative review.

##### **Scope of the Review**

The imports covered by the review are bicycle tires and tubes from Korea. The term "bicycle tires and tubes" means pneumatic bicycle tires and tubes, of rubber or plastics, whether such tires and tubes are sold together as units or separately. Bicycle tires and tubes are currently classifiable under items 772.4800 and 772.5700 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of a total of five exporters to the United States of Korean bicycle tires and tubes. This review covers four of them for various time periods through March 31, 1980, during which shipments of bicycle tires and tubes were made to the United States. Different time periods are involved for different companies.

During the course of the review, the Department learned of the existence of the fifth firm, Daewoo Industrial Co., Ltd. As a consequence, Daewoo will be included as part of the next administrative review. The cash deposit requirement for Daewoo (based upon the highest rate for firms shipping during the current review period) shall be 6.66%.

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received written comments from four Korean exporters and the petitioner as well as oral views presented by three Korean exporters and the petitioner at a hearing held April 8, 1981. Written comments from Shin Hung concerning its preliminary results were received after the close of the 30-day comment period and, consequently, were not considered by the Department. During the hearing, Dae Yung requested for the first time in this review an adjustment for bad debts in 1979. This request, too, was deemed untimely and not considered. The Department has considered all other written comments, submitted in accordance with section 353.46 of the Commerce Regulations, and oral views

in determining these final results of its administrative review.

##### **Analysis of Petitioner's Comments**

(1) *Comment:* The Department's allowance of certain claims for adjustment to foreign market value are impermissible because the Department did not establish a direct causal relationship between the alleged differences in circumstances of sale and any difference between the United States price and foreign market value. In the petitioner's view, the Department must require proof not only that there are quantifiable differences in circumstances of sale but also that these differences affect the price differential to the extent of the claimed adjustment.

*Position:* All adjustments were made in accordance with § 353.15(d) of the Commerce Regulations which states that reasonable allowances will be made for the costs to the seller of any differences in circumstances of sale. This regulation is consistent with section 773(a)(4) of the Tariff Act which states that an allowance will be made for any price difference "wholly or partly" due to differences in circumstances of sale. The Department concludes that the differences in cost constitute a reasonable indication of the differences in price.

(2) *Comment:* Rebates granted by the Korean manufacturers are not directly related to the sales under consideration because (1) the rebates were not based upon particular sales, but rather total sales, and as such were not "rebates" but general "goodwill expenditures" and (2) such after sales rebates were not quantifiable until the end of the rebate period and could not have affected the specific selling prices. The petitioner further contended that the claimed values of the selected rebates were based on averages and not the actual values. Accordingly, the petitioner argued that the Department's allowance of rebates as adjustments to the foreign market values of Hung-A, Dae Yung, and Shin Hung is not supported by substantial evidence and is contrary to law.

*Position:* The adjustments allowed for certain rebates are quantifiable and directly related to the sales under consideration. Rebate liabilities were incurred by virtue of the sales of bicycle tires and tubes ("tires") during the periods covered. Thus, the end-of-period rebate amount was affected directly by the sale or non-sale of tires, and the tire rebates were directly related to the sales under consideration. Additionally, the actual total rebate amounts used to arrive at per unit rebate figures were



verified by the Department. The per unit figures represent not approximations or estimates, but reasonable allocations of actual costs derived from an actual total rebate amount.

(3) *Comment:* The allowance of adjustments to foreign market value by the Department in the cases of Hung-A, Dae Yung, and Shin Hung for inland freight was improper because the amount of each allowance was an inaccurate estimate and such an adjustment for inland freight is not permitted by the statute.

*Position:* In making a fair and equitable comparison, the Department believes it is necessary to reduce the United States price and foreign market value being compared to comparable terms. In its simplest form, the calculation will ordinarily be made by taking the ex-factory price for both the sale to the U.S. and for home consumption. In adjusting foreign market value pursuant to section 773(a)(4), for differences in circumstances of sale to permit a fair value comparison on comparable terms, the Department followed a long-standing administrative practice with regard to inland freight and relied on verified total inland freight amounts contained in the administrative record.

(4) *Comment:* The Department's allowance of bonuses to distributors as adjustments to the foreign market values of Dae Yung and Hung-A is not supported by evidence and is contrary to law.

*Position:* The bonuses paid to distributors are directly analogous to the basis on which rebates are given and, therefore, are valid deductions from the foreign market value. See comment #2 on rebates.

(5) *Comment:* Under sections 402 and 402a of the Tariff Act of 1930 as amended, where particular features and functional attributes are important to individual consumers, products are not commercially interchangeable and, therefore, tires having differing diameters and/or widths are dissimilar products for tariff purposes. Alternatively, if the Department considers this merchandise to be similar, there are significant physical differences between the products being compared which necessitate adjustments, and such adjustments should be based on differences in production costs.

*Position:* The standard of "commercial interchangeability" developed in the appraisal law context of sections 402 and 402a of the Tariff Act of 1930, as amended, is not directly applicable in the context of an antidumping proceeding. Within the meaning of

section 771(16), the Department has determined these tires to be similar merchandise. For purposes of adjusting for differences in similar merchandise, the Department followed § 353.16 of the Department's regulations.

(6) *Comment:* The Department should not allow the additional adjustments claimed by Dae Yung and Hung-A for credit, advertising, entertainment/public relations, and bad debt expenses.

*Position:* For reasons to be discussed individually under "Analysis of Respondents' Comments," the Department has not allowed any of these requested adjustments.

(7) *Comment:* The methodology of model comparison proposed by Korea Inoue Kasei ("KIK") is unacceptable. Under section 771(16) of the Tariff Act, sales of "such" merchandise are preferred over sales of similar merchandise. Once it has been determined that merchandise identical to the U.S. imported merchandise was sold, here to a third country, then the price for such identical merchandise must form the basis for determining foreign market value. Sales of identical merchandise cannot be disregarded in favor of purportedly similar merchandise.

*Position:* The Department believes it is proper to resort to similar merchandise comparisons in connection with the KIK transactions in question. To make comparisons on the basis of identical merchandise would, in this case, involve transactions which are too remote in time to form a proper basis for comparison. This would be inappropriate and highly unfair. See discussion under comment #10.

(8) *Comment:* The Department erred in computing purchase price by making an addition for the amount of taxes rebated or not collected by reason of exportation to the U.S. The petitioner argues that the use of a flat percentage does not take into account variations between sizes and styles of tires and is, therefore, a very imprecise allocation method.

*Position:* The actual total amounts of rebated taxes used to arrive at per unit figures were verified by the Department. These per unit figures represent not imprecise approximations or estimates but reasonable allocations of actual amounts derived from the actual total rebate.

(9) *Comment:* The allowance of an adjustment for insurance costs in the case of Shin Hung was improper for the reasons that such costs constitute a general expense item and that the method of allocation does not lead to unit costs for bicycle tires and tubes.

*Position:* Shipping insurance costs were incurred by Shin Hung in

transporting tires to the warehouses of replacement distributors in the home market for subsequent sales to domestic customers. Further, actual total insurance cost amounts used to arrive at per unit insurance cost figures were verified by the Department. These per unit figures represent not approximations or estimates but reasonable allocations of actual costs derived from an actual total insurance cost amount.

#### Analysis of Respondents' Comments

(10) *Comment:* KIK contended in its written comments that some of the third-country (Canadian) transactions used to determine its foreign market value occurred at points in time too remote from the U.S. sales dates to form a proper basis for price comparison, particularly in light of the numerous price increases that occurred during 1979 in Canada. KIK submitted extensive schedules of new comparisons for those transactions not reasonably contemporaneous.

*Position:* The Department has decided to make price comparisons based on reasonably contemporaneous sales in the United States and the foreign market of similar merchandise. The Department defines a reasonably contemporaneous foreign market transaction as one occurring not more than 90 days prior or 45 days subsequent to the date of the U.S. transaction. The prior dates are preferable where they exist. Exceptions may be made in cases of extremely stable prices within the period in question.

The Department's acceptance of this methodology was contingent upon four primary concerns: (1) That the methodology not be advantageous to the respondent, (2) that the methodology comport with § 353.16 of the Department's regulations, (3) that the submitted calculations be accurate, and (4) that the Department be able to confirm the correctness of the KIK selections of similar (superior or inferior) Canadian merchandise. The Department was satisfied on the first and second concerns after close scrutiny revealed the methodology was indeed not advantageous to the respondent and was valid as contended by KIK. The comparisons are based either upon the full price for superior articles sold to Canada or, if the Canadian article was inferior, an adjustment was made for differences in market value. Section 353.16 permits adjustments for differences in physical characteristics to be made by reference to either costs or market value. The regulation further provides that "in the case of

merchandise which does not lend itself to comparison with other merchandise for the purpose of this section, any method reasonably calculated to reflect the impact on cost or value of any differences in the merchandise under consideration may be used." The department was satisfied on the third concern after a statistical sampling procedure disclosed that the calculations were accurate and unbiased. The Department was satisfied on the fourth concern after obtaining tire and tube samples from KIK and an independent opinion from the Customs Service Import Specialist for tires confirming KIK's similar (superior or inferior) selections. The Department has obtained cost of production information for use in the next administrative review.

(11) *Comment:* Section 772(d)(1)(D) of the Tariff Act requires the amount of countervailing duties imposed to offset an export subsidy on tires exported by KIK to the United States be added to purchase price.

*Position:* The Department has determined that KIK benefited from subsidy programs not related to exports; thus they are not export subsidies and, as a result, no adjustment to purchase price was appropriate.

(12) *Comment:* Hung-A and Dae Yung provided copies of promissory notes issued by their Korean customers, copies of shipping invoices relating to each note, and balance sheets proving that sales to their replacement market customers are on credit. That Hung-A and Dae Yung sell on credit to Korean replacement market customers, but not to export customers, was also verified in Korea. The Department's disallowance of an adjustment for credit differences in the case of Hung-A and Dae Yung is, therefore, inappropriate.

*Position:* The respondents presented insufficient information to justify an adjustment for differences in credit. The respondents did not show that such credit costs were attributable to tires, nor did they show those expenses incurred were limited to the home market. Thus, they do not qualify for circumstance of sale adjustment under § 353.15 of the Commerce Regulations. In addition, it is the position of the Department that verification as contemplated in the Tariff Act of 1930, as amended, means confirmation by the Department as to the accuracy of information provided by the respondent. Verification in itself does not address the question of analysis and interpretation of such information.

(13) *Comment:* Hung-A and Dae Yung provided ample evidence of entertainment expenses and the

requisite direct relationship of these expenses to sales in the home market. This evidence consists of a list of all entertainment expenses and copies of receipts for such expenses. In addition, these documents were verified in Korea. The Department's disallowance of public relations/entertainment expenses in the case of Hung-A and Dae Yung is, therefore, inappropriate.

*Position:* General entertainment expense is an overhead category devoted to maintaining goodwill for the seller as distinct from a specific expense incurred in making a particular sale. See comment #12 on verification.

(14) *Comment:* Hung-A and Dae Yung incur bad debt losses on Korean sales but not on export sales, and these losses are reflected in increased prices to Korean customers. In addition, Hung-A and Dae Yung provided lists of dishonored promissory notes and the existence of bad debt losses on home market sales was verified in Korea. The Department's disallowance of bad debt expenses in the case of Hung-A and Dae Yung is, therefore, inappropriate.

*Position:* Bad debt losses claimed by Hung-A and Dae Yung are general expenses not meeting the directly related criteria of § 353.15 of the Commerce Regulations. See comment #12 on verification.

(15) *Comment:* Hung-A and Dae Yung provided proof of advertising including receipts for advertising costs and specific examples of advertising. In addition, these costs were verified in Korea. The Department's disallowance of an adjustment for advertising in the case of Hung-A and Dae Yung is, therefore, inappropriate.

*Position:* The Department determined that, based upon the submitted information, advertising expenses incurred by the Korean manufacturers were a goodwill effort devoted to encouraging purchases from the manufacturers and were not expenses undertaken on behalf of the actual purchasers of merchandise. Therefore, the claimed advertising expenses were not an assumption by the sellers of purchaser's advertising expenses as required in § 353.15(b) of the Commerce Regulations. See comment #12 on verification.

(16) *Comment:* If after verification, the Department is still of the opinion that insufficient information exists to justify the claimed adjustments, then this is ascribable to the failure of the verification team to properly verify data, not to the respondents' failure to make available adequate data.

*Position:* The purpose of verification is to determine the accuracy of submitted information. It is the

responsibility of respondents to correct deficiencies in submissions.

(17) *Comment:* Errors exist in the margin calculation for 20 x 1.75 black tubes of Hung-A. The Department used an incorrect amount to adjust for rebated taxes.

*Position:* The Department used an adjustment applicable to tires instead of tubes. We have corrected the amount and calculated a new weighted average margin.

#### Final Results of the Review

As a result of our analysis of oral and written comments, we determine that the following weighted-average margins exist:

Korean exporter	Time period	Margin per cent
Dae Yung Commercial Co., Ltd.	3/1/78-12/31/78	5.75
	1/1/79- 3/31/80	1.11
Hung-A Industrial Co., Ltd.	4/1/78-12/31/78	3.62
	1/1/79- 3/31/80	2.12
Korea Inoue Kasei Co., Ltd.	4/1/78-12/31/78	1.11
	1/1/79- 3/31/80	2.03
Shin Hung Rubber Co., Ltd.	1/1/79- 3/31/80	6.66

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentage states above.

The Department will issue appraisal instruction separately on each exporter directly to the Customs Service.

Further, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above for each firm shall be required on all shipments by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter (including Daewoo) not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review after publication of these final results.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C.

1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Judith Hippler Bello,

*Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.*

June 24, 1982.

[FR Doc. 82-17959 Filed 6-30-82; 8:45 am]

BILLING CODE 3510-25-M

## National Oceanic and Atmospheric Administration

### Marine Mammals; Modification of Permit; California Department of Fish and Game

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 351 issued to the California Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814 on August 26, 1981 (46 FR 43732) as modified on December 17, 1981 (46 FR 62684) is further modified as follows:

Section B-4 is changed to read:

"4. This Permit is valid with respect to the taking authorized herein until December 31, 1983."

The Permit and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 22, 1982.

Richard B. Roe,

*Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

[FR Doc. 82-17965 Filed 6-30-82; 8:45 am]

BILLING CODE 3510-22-M

### New England Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

**SUMMARY:** The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), will meet to discuss draft fishery management plans for lobster, scallops, bluefish, billfish and herring, as well as discuss joint venture review criteria and other Council business.

**DATES:** The public meetings will convene on Tuesday, July 27, 1982, at approximately 10 a.m., and will adjourn on Wednesday, July 28, 1982, at approximately 5 p.m. The meetings may be lengthened or shortened, or agenda items rearranged depending upon progress on the agenda.

**ADDRESS:** The public meetings will take place at King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

**FOR FURTHER INFORMATION CONTACT:** New England Fishery Management Council, Suntaug Office Park—Five Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Dated: June 28, 1982.

E. Craig Felber,

*Chief, Management Services Staff, National Marine Fisheries Service.*

[FR Doc. 82-17964 Filed 6-30-82; 8:45 am]

BILLING CODE 3510-22-M

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Announcement of Additional Import Controls on Certain Man-Made Fiber Textile Products From the Republic of Korea

June 25, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Controlling women's, girls' and infants' man-made fiber trousers in Category 648, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1982, at a level of 306,427 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654).)

**SUMMARY:** Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, the United States Government has decided to control imports of man-made fiber textile products in Category 648, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1982,

in addition to those categories previously designated.

**EFFECTIVE DATE:** July 2, 1982.

**FOR FURTHER INFORMATION CONTACT:** William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:** On December 18, 1981, there was published in the *Federal Register* (46 FR 61692) a letter dated December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea, which may be entered into the United States for consumption, or withdrawn, from warehouse for consumption, during the twelve-month period which began on January 1, 1982, and extends through December 31, 1982. In accordance with the terms of the bilateral agreement, as amended, the United States Government has decided also to control imports of man-made fiber textile products in Category 648, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1982, at a level of 306,427 dozen. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of man-made fiber textile products in Category 648 in excess of the designated level of restraint. The level of restraint has not been adjusted to account for any imports after December 31, 1981. Imports in Category 648 during the period which began on January 1, 1982 and extended through May 31, 1982 amounted to 256,851 dozen and will be charged. As the data become available, further charges will be made to account for the period which began on June 1, 1982 and extends to the effective date of this action.

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

June 25, 1982.

#### Committee for the Implementation of Textile Agreements

Commissioner of Customs,  
*Department of the Treasury, Washington, D.C.*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 14, 1981 by the

Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 2, 1982 and for the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 648, produced or manufactured in Republic of Korea, in excess of 306,427 dozen.<sup>1</sup>

Textile products in Category 648 which have been exported to the United States prior to January 1, 1982 shall not be subject to this directive.

Textile products in Category 648 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a) (1) (A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Republic of Korea and with respect to imports of man-made fiber textile products from the Republic of Korea has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

<sup>1</sup>The level of restraint has not been adjusted to reflect any imports after December 31, 1981. Imports during the January-May 1982 period have amounted to 256,851 dozen.

Sincerely,

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 82-17752 Filed 6-30-82; 8:45 am]

BILLING CODE 3510-25-M

### **Announcement of New Officials of the Government of the People's Republic of China Authorized To Issue Export Visas for Certain Cotton, Wool, and Man-Made Fiber Textile Products**

June 25, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Announcing two new officials of the Government of the People's Republic of China who are authorized to issue export visas for cotton, wool, and man-made fiber textile products from China.

**SUMMARY:** The Government of the People's Republic of China has notified the United States Government that Li Rixi and Wang Guiziang are now authorized to issue export visas for cotton, wool, and man-made fiber textile products exported to the United States, replacing Ren Yuheng and Ren Hsiaohsuan.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:** On August 5, 1980, a letter dated August 1, 1981 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the *Federal Register* (45 FR 51872) which established a new export visa requirement for certain cotton, wool, and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported to the United States. One of the requirements is that the visas must be signed by an official authorized by the Government of the People's Republic of China. The Government of the People's Republic of China has named two new officials to issue export visas. A complete list of officials currently so authorized follows this notice.

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

**Officials of the Government of the People's Republic of China Authorized To Issue Export Visas for Cotton Wool, and Man-Made Fiber Textiles**

Chu Houchung

Wang Chu  
Fang Ziping  
Duang Juntian  
Qi Yiguang  
Wang Changjian  
Huang Zenghua  
Pan Tong  
Gao Qingchang  
Li Rixi  
Wang Guiziang  
Li Haoran  
Huo Yugui  
Qie Daren

[FR Doc. 82-17753 Filed 6-30-82; 8:45 am]

BILLING CODE 3510-25-M

### **Amendment of Import Restraint Level for Certain Cotton Textile Products from the Republic of Singapore**

June 25, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Establishing a specific ceiling of 8,000,000 square yards for Other Woven Fabrics in Category 320, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1982, through an amendment to the bilateral agreement. Import controls are being placed on this category at the new level plus swing and carryforward pursuant to paragraphs 7 and 8 of the bilateral agreement.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654).)

**SUMMARY:** By an exchange of notes dated May 17, June 12 and June 14, 1982, the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Government of the United States and the Republic of Singapore has been further amended to establish a specific ceiling for Category 320 for the life of this agreement replacing the previous designated consultation level. The specific ceiling for the 1982 agreement year is 8,000,000 square yards and swing and carryforward are being applied.

**EFFECTIVE DATES:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce Washington, D.C. 20230 (202/377-4241).

**SUPPLEMENTARY INFORMATION:** On December 18, 1981, there was published

in the Federal Register (46 FR 61687) a letter December 15, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established ceilings for certain specified categories of cotton, wool, and man-made fiber textile products, including Category 320, produced or manufactured in Singapore, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the twelve-month level previously established for cotton products in Category 320 to 9,143,929 square yards.

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

June 25, 1982.

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,  
*Department of the Treasury, Washington, D.C.*

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 15, 1981 from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Singapore.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to increase, effective on July 1, 1982 and for the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982, the level of restraint established for cotton textile products in Category 320, produced or manufactured in Singapore, to 9,143,929 square yards.<sup>1</sup>

The action taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton textile products from Singapore has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are

necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 82-17754 Filed 6-30-82; 8:45am]

BILLING CODE 3510-25-M

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Science and Technology Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Science and Technology Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on July 21 and 22, 1982, from 9 a.m. to 5 p.m. each day, at 200 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda will consist of discussions and review of the Navy's high energy laser program and High Frontier program and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant K. M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 200 North Beauregard Street, Room 392, Alexandria, VA 22311, Phone (703) 756-1205.

Dated: June 25, 1982.

H. D. Campbell,  
*Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.*

[FR Doc. 82-17700 Filed 6-30-82; 8:45 am]

BILLING CODE 3810-AE-M

## DEPARTMENT OF EDUCATION

### Office of Postsecondary Education

#### Biomedical Sciences Program; Application Notice for Noncompeting Continuation Awards for Fiscal Year 1982

Applications are invited for noncompeting continuation awards under the Biomedical Sciences Program.

Authority for this program is contained in Title III, Part L, of the Elementary and Secondary Education Act, as amended, (20 U.S.C. 3051-3057).

The Secretary awards grants under the Biomedical Sciences Program to institutions of higher education and combinations of institutions.

The purpose of the awards is to allow applicants to continue projects designed to motivate and educate talented secondary school students from economically disadvantaged backgrounds to prepare for and enter into careers in the biomedical sciences.

**Closing date for transmittal of applications:** To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by August 2, 1982.

If an application for a noncompeting continuation award is late, the Department may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

**Applications Delivered by Mail:** An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.112 (Biomedical Sciences), Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

<sup>1</sup>The level of restraint has not been adjusted to reflect any imports after December 31, 1981.

An applicant is encouraged to use registered or at least first class mail.

**Applications Delivered by Hand:** An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5873, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

**Available Funds:** There is authorized \$2,880,000 for noncompeting continuation awards under the Biomedical Sciences program in Fiscal Year 1982. It is estimated that these funds could provide continued support for the 12 currently funded projects.

**Application Forms:** Application forms for noncompeting continuation awards are expected to be ready for mailing no later than July 1, 1982. They are mailed routinely to currently funded projects. If a grantee does not receive the forms by July 12, 1982, the grantee should telephone the Information Systems and Program Support Branch of the Division of Student Services at (202) 245-7070.

Applications must be prepared and submitted in accordance with instructions and forms included in the program information package. The Secretary strongly urges that applicants not submit information that is not requested.

**Applicable Regulations:** Regulations applicable to noncompeting continuation awards are:

(a) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78). These parts were previously codified as 45 CFR Parts 74, 100a, 100c and 100d respectively.

(b) Regulations governing the Biomedical Sciences Program in 34 CFR Part 647.

**Further Information:** For further information contact the Program Development Branch, Division of Student Services, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-2511.

(20 U.S.C. 3051-3057)

(Catalog of Federal Domestic Assistance Number: 84.112—Biomedical Sciences Program)

Dated: June 28, 1982.

Thomas P. Melady,  
Assistant Secretary for Postsecondary Education.

[FR Doc. 82-17950 Filed 6-30-82; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Office of Assistant Secretary for International Affairs

#### International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for supply of 3 kilograms of uranium enriched to 3.79% in U-235 to the Atomic Energy Establishment, Winfrith, England, for fabrication into foil. The foil is then to be returned to the United States for criticality experiments.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract Number WC-EU-237 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than July 16, 1982.

Dated: June 25, 1982.

For the Department of Energy.

George J. Bradley, Jr.,  
Principal Deputy of Assistant Secretary for International Affairs.

[FR Doc. 82-17740 Filed 6-30-82; 8:45 am]

BILLING CODE 6450-01-M

#### International Atomic Energy Agreements; Proposed Subsequent Arrangement; Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned

agreement involves a joint determination that nuclear material of United States origin may be reprocessed in Japanese facilities under conditions that ensure that safeguards provisions contained in the referenced Agreement for Cooperation may be effectively applied. The facility involved is the Chemical Processing Facility at Tokai-Mura, which is designed to reprocess approximately 7.2 kilograms per year of irradiated uranium contained in spent fuel from the Joyo reactor, which contains about 0.6 kilograms of plutonium.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than July 16, 1982.

Dated: June 25, 1982.

For the Department of Energy.

George Bradley,  
Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-17741 Filed 6-30-82; 8:45 am]

BILLING CODE 6450-01-M

## Economic Regulatory Administration

### Saber Energy, Inc.; Action Taken on Consent Order

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of action taken on Consent Order.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Saber Energy, Inc. (Saber) as a final order of the Department.

**EFFECTIVE DATE:** June 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** Ben L. Lemos, Director, Dallas Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Rm. 201W, Dallas, Texas 75247, 214/767-7535.

**SUPPLEMENTARY INFORMATION:** On April 30, 1982, 47 FR 18648, the ERA published a notice in the Federal Register that it had executed a proposed Consent Order with Saber on April 19, 1982 which would not become effective sooner than 30 days after publication of that notice. Pursuant to 10 CFR 205.199(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.



The Consent Order is intended to settle and resolve civil issues between DOE and Saber relating to Saber's compliance with the Federal petroleum price and allocation regulations for the period September 1973 through January 27, 1981. Under the Consent Order, Saber will refund a total of \$1,407,221: \$432,859 will be paid to Duquesne Light Company and \$974,362 will be paid to DOE with DOE to determine the ultimate disposition of those funds. (The initial Federal Register notice, 47 FR at 18647, erroneously stated that the \$974,362 would be deposited in the U.S. Treasury as miscellaneous receipts.) In addition, Saber will pay \$25,494 as a compromise of civil penalties.

Eight comments were received, and most addressed the question of the appropriate means of distributing the \$974,362. Two comments suggested that inasmuch as a part of the violations alleged against Saber related to failure to comply with the entitlements program, the commentors, as entitlement program participants, should share in the proceeds of the Consent Order. Three comments suggested that the Consent Order proceeds, after payment to identifiable injured customers, should be distributed to the various states in proportion to Saber's sales volumes of petroleum products in each state. One of the three further suggested various guidelines for restricting the use of such funds received by each state. One commentor made a specific claim to a certain dollar amount of the Consent Order proceeds. Two comments suggested that the Consent Order be modified to require that the funds be paid to DOE for distribution by the Department's Office of Hearings and Appeals pursuant to 10 CFR Part 205 Subpart V. Another comment suggested that the Consent Order set forth a procedure for claims to be made against the proceeds by injured customers of Saber.

DOE has not yet determined the appropriate disposition of the \$974,362. The ultimate distribution of these funds will depend upon several factors, including the type of alleged violations underlying the Consent Order and the ability of the ERA to identify Saber customers, other than those to which Saber has already made refunds, which may be entitled to a refund from these funds. The commentors' suggestions will be considered in determining the appropriate disposition of the funds.

Several comments addressed the refund to Duquesne Light Company, an identifiable Saber customer, which was erroneously identified as Duquesne Light and Power Company in the

Consent Order. One comment suggested that the Consent Order be modified to set out the specific factual basis for the payment by Saber to Duquesne and that succeeding notices state these facts. The Consent Order, however, satisfies the regulatory requirement of 10 CFR 205.199(a) that it "set forth the relevant facts which form the basis for the Order." It is clear from an examination of the Consent Order as a whole that ERA and Saber disagreed as to the lawfulness of the prices Saber charged to Duquesne in the sale of certain products and that the Consent Order settles and resolves this issue by the payment specified, without any findings by DOE or admission by Saber, conditioned on Saber's receiving a release from Duquesne, as provided for in the Consent Order.

Finally, in response to several comments, the following technical corrections and clarifications have been made in the Consent Order. First, the incorrect reference to Duquesne Light and Power Company has been changed to Duquesne Light Company. Second, the Consent Order has been clarified to state that payment to Duquesne will be made within thirty days of the effective date of the Consent Order, conditioned upon Saber's receiving a release, as provided for in the Consent Order, from Duquesne of any claims it may have against Saber related to the Federal petroleum price and allocation regulations. Third, the period covered by the Consent Order has been corrected to end with the date of decontrol, January 28, 1981, rather than December 1981.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Saber should be made final with the modifications as set out above. This was accomplished by providing actual notice to Saber of this decision on June 10, 1982.

Issued in Washington, D.C., on the 25th day of June, 1982.

Milton C. Lorenz,  
Special Counsel, Economic Regulatory  
Administration.

[FR Doc. 82-17972 Filed 6-30-82; 6:45 am]

BILLING CODE 6450-01-M

[OFC Case No. 52416-9220-21-22,22;  
Docket No. ERA-FC-82-002]

**Order Granting Puget Sound Power and Light Co. Exemptions From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978**

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Order Granting Puget Sound Power and Light Co. Exemptions From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978.

**SUMMARY:** On March 17, 1982, the Puget Sound Power & Light Company (Puget) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting two new proposed powerplants from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*) which (1) prohibit the use of petroleum and natural gas as a primary energy source in new electric powerplants and (2) prohibit the construction of a new powerplant without the capability to use an alternate fuel as a primary energy source. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of FUA was published in the Federal Register at 46 FR 59872 (December 7, 1981).

Puget requested permanent peakload exemptions under 10 CFR 503.41 for two simple-cycle combustion turbine generators (Units #1 and #2) with heat input rates of 1,111.37 million Btu per hour each. The proposed units are to be used as peakload powerplants at Puget's Fredonia Generating Station, Near Burlington, Washington. The powerplants will be capable of burning natural gas and petroleum.

Pursuant to section 212(g) of the Act and 10 CFR 503.41, ERA hereby issues this order granting to Puget permanent peakload powerplant exemptions from the prohibitions of FUA for the proposed combustion turbine generators, Units #1 and #2 of the Fredonia Generating Station.

The basis for ERA's order is provided in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** In accordance with section 702(a) of FUA, this order and its provisions shall take effect on August 30, 1982.

**FOR FURTHER INFORMATION CONTACT:**

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone (202) 252-2993

Marya Rowan, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone (202) 252-2967



Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, 12th and Pennsylvania Avenue, Room 7120, Washington, D.C. 20461, Telephone (202) 633-8755

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at the Department of Energy Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.—4:00 p.m.

**SUPPLEMENTARY INFORMATION:** Puget proposes to install two simple-cycle combustion turbine generators, designated Units #1 and #2, using petroleum and/or natural gas as a primary energy source at its Fredonia Generating Station. Units #1 and #2 each have a maximum design capacity of 103,760 Kw.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to Units #1 and #2, in the *Federal Register* on April 29, 1982 (47 FR 18408), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by section 701(f) of the Act, ERA provided a copy of Puget's petition to the environmental Protection Agency for its comments. During that period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed June 14, 1982. No comments were received and no hearing was requested.

Puget certified in its Petition for Exemption that proposed Units #1 and #2, Fredonia Generating Station, will be operated solely as peakload powerplants. To be included within the basic definition of "peakload powerplant" as established by section 103(a) of FUA, an electric-generating unit must be "a powerplant the electrical generation of which in kilowatt hours does not exceed, for any 12-calendar-month period, such powerplant's design capacity multiplied by 1500 hours". Documentary evidence submitted by Puget in support of its certification indicates that the maximum design capacity of each of the proposed combustion turbine generators will be 103,760 Kw and that the maximum generation that will be permitted during any 12-month period for each unit will be 155,640,000 Kwh (103,760 Kw x 1500 = 155,640,000 Kwh), constituting a

"peakload powerplant" operation within the definition.

Puget has also certified that it will secure all applicable permits and approvals prior to commencement of operation of the new units under exemption.

As ERA determined that no alternate fuels are presently available for use in proposed Units #1 and #2, ERA has waived the requirement of 10 CFR 503.41(a)(2)(ii) for submission of a certification by the Administrator of the Environmental Protection Agency or the director of the appropriate state air pollution control agency that the use by the powerplants of any available alternate fuels as a primary energy source will cause or contribute to a concentration in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is, or would be, exceeded.

**DECISION AND ORDER:** Accordingly, based upon the entire record of this proceeding, ERA has determined that Puget has satisfied all of the eligibility requirements for the requested exemptions as set forth in 10 CFR 503.41, and pursuant to section 212(g) of FUA, ERA hereby grants Puget permanent exemptions for peakload powerplants for proposed Units #1 and #2 to be installed at the Fredonia Generating Station in Near Burlington, Washington, permitting the use of natural gas and petroleum as a primary energy source in the units.

After review by DOE's Office of Environment of Puget's completed environmental checklist submitted pursuant to 10 CFR 503.13, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

Pursuant to section 702(c) of the Act 10 CFR 501.69 any person aggrieved by this order may petition for judicial review at any time before August 30, 1982.

Issued in Washington, D.C., on June 25, 1982.

James W. Workman,  
Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-17974 Filed 6-30-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-82-004; FC Case Number 55242-3063-01-12]

# **Order Granting Publishers Paper Co. Exemption From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978**

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Order Granting to Publishers Paper Company an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

**SUMMARY:** On March 10, 1982, Publishers Paper Company (Publishers) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent site limitation exemption for a major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the *Federal Register* at 46 FR 59872 (December 7, 1981). The site limitation exemption criteria is contained in 10 CFR 503.33 of the final rules.

Publishers requested a permanent site limitation exemption in order to burn natural gas or petroleum in a new package boiler, identified as "E" boiler, to be operated at Publishers' pulp and paper mill located within the city limits of Oregon City, Oregon.

Pursuant to section 212(a)(1)(B) of the Act and 10 CFR 503.33, ERA hereby issues this order granting a permanent site limitation exemption from the prohibitions of FUA to Publishers for the new MFBI identified as "E" boiler. The basis for ERA's order is provided in the **SUPPLEMENTARY INFORMATION** section, below.

**DATES:** In accordance with section 702(a) of FUA, this order and its provisions shall take effect on August 1, 1982.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available at the Department of Energy Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.—4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory

Administration, Forrestal Building, Room GA-073G, 1000 Independence Avenue SW., Washington, D.C. 20485, Phone (202) 252-8162;

Marya Rowan, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967;

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room 7120, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. 20561, Phone (202) 633-8108.

**SUPPLEMENTARY INFORMATION:** The MFBI for which the petition for exemption has been filed is a package boiler to be operated at Publishers' pulp and paper mill complex, Oregon City, Oregon. The new MFBI, identified as "E" boiler by Publishers, has a design heat input rate of approximately 213 million Btu's per hour. The boiler will burn natural gas with residual oil use during gas curtailment.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to Publisher's MFBI in the Federal Register on April 14, 1982 (47 FR 16066), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by sections 701(f) and (g) of the Act, ERA provided a copy of Publishers' petition to the Environmental Protection Agency and the Federal Trade Commission for their respective comments. During that period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on June 1, 1982. No comments were received. No hearing was requested.

Decision and Order: Publishers certified in its Petition for Exemption that, due to specific physical limitations, the criteria for a permanent exemption for "E" boiler based upon a site limitation under 10 CFR 503.33(a) are satisfied. Documentary evidence, including an aerial photograph and mill plot plan, submitted by Publishers in support of its certification demonstrated (a) insufficient space at the mill site to install a coal or wood waste boiler and ancillary equipment of the size needed to meet steam requirements; (b) lack of ground space for fuel handling equipment at the rail siding; (c) lack of sufficient space for storage of a reasonable supply of coal (estimated 60,000 sq. ft.) or wood (estimated 150,000

sq. ft.); and (d) lack of sufficient additional space for other necessary fuel handling equipment at the mill site.

Publishers also certified in its petition that the mixtures use criteria in 10 CFR 503.33(a) are satisfied by "E" boiler and by the Oregon City, Oregon, pulp and paper mill complex.

Publishers also furnished ERA with copies of the necessary environmental permits required by federal, state, and local authorities to install and operate "E" boiler.

Accordingly, based upon the entire record of this proceeding, ERA has determined that Publishers has satisfied all the eligibility requirements for the requested exemption as set forth in 10 CFR 503.33, and, pursuant to section 212(a) of FUA, ERA hereby grants Publishers a permanent exemption for "E" boiler located at its pulp and paper mill complex, Oregon City, Oregon, based on the existence of site limitations which do not permit the location or operation of an installation using coal or any other reasonably available alternate fuel.

ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petition for judicial review at any time before August 1, 1982.

Issued in Washington, D.C., on June 25, 1982.

**James W. Workman,**  
*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 82-17975 Filed 6-30-82; 8:45 am]

**BILLING CODE 6450-01-M**

### **Gil Mc Oil Corp.; Proposed Remedial Order**

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Gil Mc Oil Corporation (Gil Mc Oil) of Lovington, New Mexico. This Proposed Remedial Order charges Gil Mc Oil with pricing violations in the amount of \$110,701.30 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the same period September 1, 1973 through January 27, 1981.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A.

Martin, Deputy Director, Crude and NGL and Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7401.

Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th & Pennsylvania Ave., N.W., Room 3426, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 16th day of June, 1982.

**James A. Martin,**  
*Deputy Director, Crude and NGL Audit & Litigation Support Group, Economic Regulatory Administration.*

[FR Doc. 82-17971 Filed 6-30-82; 8:45 am]

**BILLING CODE 6450-01-M**

### **Mercury Production Co.; Proposed Remedial Order**

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Mercury Production Company (Mercury) of Fort Worth, Texas. This Proposed Remedial Order charges Mercury with pricing violations in the amount of \$288,037.25 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR 212, Subpart D during the time period September 1973 through August 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Deputy Director, Crude and NGL & Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7401. By July 16, 1982, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Ave., NW., Room 3426, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 16th day of June, 1982.

**James A. Martin,**  
*Deputy Director, Crude and NGL Audit and Litigation Support Group, Economic Regulatory Administration.*

[FR Doc. 82-17968 Filed 6-30-82; 8:45 am]

**BILLING CODE 6450-01-M**

### **Tipperary Corp.; Proposed Remedial Order**

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy

hereby gives notice of a Proposed Remedial Order which was issued to Tipperary Corporation (Tipperary) of Midland, Texas. This Proposed Remedial Order charges Tipperary with pricing violations in the amount of \$87,322.06 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR 212, Subpart D during the time period July 1977 through January 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Deputy Director, Crude and NGL & Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7401. By July 16, 1982, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Ave., N.W., Room 3426, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 16th day of June, 1982.

James A. Martin,

*Deputy Director, Crude and NGL Audit and Litigation Support Group, Economic Regulatory Administration.*

[FR Doc. 82-17970 Filed 6-30-82; 8:45 am]

BILLING CODE 6450-01-M

## Energy Information Administration

### Agency Forms Submitted to the Office of Management and Budget for Review

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Notice of submission of request for clearance to the Office of Management and Budget.

**SUMMARY:** Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the Federal Register on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a DOE proposal sent to OMB for approval on June 21, 1982.

The entry, listed by the DOE sponsoring office, contains the following information: (1) The form number; (2) Form title; (3) Type of request, e.g., new revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill

out the form; and (9) A brief abstract describing the proposed collection.

**DATE:** Last Notice published Thursday, June 16, 1982 (47 FR 26181).

#### FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration M. S. 7413, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461 (202) 633-9464.

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 720 Jackson Place, NW., Washington, D.C. 20503 (202) 395-7340.

**SUPPLEMENTARY INFORMATION:** Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., June 24, 1982.

Yvonne M. Bishop,

*Director, Statistical Standards, Energy Information Administration.*

### DOE FORMS UNDER REVIEW BY OMB

Form No.	Form title	Type of Request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EIA-63.	Annual Solar Thermal Collector and Photo-voltaic Module Manufacturers Survey.	Reinstatement...	Annually.....	Mandatory.....	Manufacturers of solar collectors, and importers of solar collectors.	350	700	EIA uses the form to collect data necessary to execute its role in tracking certain volumetric movements within the solar collector manufacturing industry. Responses will be used to compile statistics on the quantities, types and uses of solar collectors manufactured and imported into the United States.

[FR Doc. 82-17973 Filed 6-30-82; 8:45 am]

BILLING CODE 6450-01-M

# Federal Energy Regulatory Commission

[Project No. 2743-002]

## Alaska Power Authority; Notice of Application for Amendment of License

June 28, 1982.

Take notice that the Alaska Power Authority (APA) filed on June 1, 1982, an application for an amendment of license [pursuant to the Federal Power Act and Article 36 of its license] for its Terror Lake Project, FERC Project No. 2743. The project is located on the Terror and Kizhuyak Rivers in the Kodiak Island Borough, Alaska. The changes proposed in the application were discussed in the Commission's Final Environmental Impact Statement for the Terror Lake Project issued August 7, 1981. Correspondence with the Applicant should be directed to: Eric P. Yould, Executive Director, Alaska Power Authority, 334 W. 5th Ave., Anchorage, Alaska 99501.

**Project Description**—APA filed revised Exhibit K and L drawings detailing its proposal to raise the elevation of the top of the dam from 1,391 feet to 1,428 feet. The reservoir area would increase from 850 acres to 1,020 acres and the usable storage capacity would increase from 78,000 acre-feet to 108,000 acre-feet. The normal maximum water surface elevation would increase from 1,383 feet to 1,420 feet.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the application. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions to Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice

and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 16, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above-named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17810 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-19-002, et al.]

## Algonquin Gas Transmission Company, et al.; Filing of Pipeline Refund Reports and Refund Plans

June 25, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 9, 1982. Copies of the respective filings are on file with the

Commission and available for public inspection.

Kenneth F. Plumb,  
Secretary.

### APPENDIX

Filing date	Company	Docket No.	Type filing
6-14-82	Algonquin Gas Transmission Co.	RP82-19-002	LFUT report.
6-15-82	Columbia Gas Transmission Corp.	RP81-117-006	Do.
6-15-82	Do.	RP81-117-007	Do.
6-15-82	East Tennessee Natural Gas Co.	RP82-22-002	Do.
6-15-82	Midwestern Gas Transmission Co.	RP82-23-002	Do.
6-15-82	Natural Gas Pipe Line Co. of America.	RP81-120-003	Do.
6-15-82	Northern Natural Gas Co.	RP81-110-003	Do.
6-15-82	Panhandle Eastern Pipe Line Co.	RP81-119-005	Do.
6-15-82	Do.	RP81-119-006	Do.
6-15-82	Tennessee Gas Pipeline Co.	RP81-99-003	Do.
6-15-82	Trunkline Gas Co.	RP81-118-003	Do.
6-16-82	Florida Gas Transmission Co.	RP81-124-003	Do.
6-17-82	Eastern Shore Natural Gas Co.	RP82-28-002	Do.

[FR Doc. 82-17785 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-43-000]

## Amoco Production Co., Shute Creek Unit No. 4 Well; Petition To Reopen and Vacate Final Well Category Determination and Withdraw Application for Determination

Issued: June 25, 1982.

On April 9, 1982, Amoco Production Company (Amoco) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and vacate a final well category determination, and withdraw the application for determination, that gas from the Shute Creek Unit No. 4 well (USGS Docket No. W326-1-T, FERC J.D. No. 82-10512), located in Lincoln, Wyoming, qualified as recompletion tight formation gas pursuant to section

107 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. §§ 3312 (Supp. IV 1980). This determination, made by the former United States Geological Survey in Casper, Wyoming, became a final determination on January 28, 1982, under NGPA section 503(d) and 18 C.F.R. § 275.202 of the Commission's regulations.

Amoco states that a review of its records indicates that the previous operator of the subject well, CIG Exploration, Inc., completed the well for production in the Frontier Formation before July 16, 1970. Amoco states that since completion occurred before July 16, 1979, gas from the subject well cannot qualify as recompletion tight formation gas in accordance with 18 C.F.R. § 271.703(b)(3) of the Commission's regulations. Section 271.703(b)(3) of the Commission's regulations states, *inter alia*, that recompletion tight formation gas is natural gas produced through a well from a designated tight formation not completed for production from such designated tight formation prior to July 16, 1979.

Amoco therefore requests, in accordance with 18 C.F.R. § 275.205, that the Commission reopen and vacate the final well category determination. Amoco also requests, pursuant to 18 C.F.R. § 275.202(d), that the Commission withdraw its application for determination that gas from the subject well qualifies as recompletion tight formation gas.

Amoco further alleges that it has not made any sales of natural gas from the subject well and that gas from the well has not been committed to a gas purchase contract. Amoco thereby states that no refund is necessitated by the requested withdrawal. Notwithstanding this allegation, the Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(d) of the Commission's regulations, will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested withdrawal should file, on or before August 2, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of §§ 1.8 or 1.10 of the Rules of Practice and Procedure. All protests filed will be considered in determining the appropriate action to be taken, but will not make protestants parties to the proceeding. Any person wishing to become a party must file a petition to

intervene in accordance with the Commission's rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17832 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER 82-454-000]

**Black Hills Power and Light Co.; Order Accepting for Filing and Suspending Revised Rates, Granting in Part and Denying in Part Summary Disposition, Granting Intervention, and Establishing Hearing and Price Squeeze Procedures**

Issued: June 24, 1982.

On April 13, 1982, Black Hills Power and Light Company (Black Hills) filed a proposed increase in rates for full-requirements firm power service to the City of Gillette, Wyoming (Gillette), its only wholesale customer.<sup>1</sup> The proposed rates would result in an increase in revenues of approximately \$749,000 (21.0%) based on the twelve month test period (Period I) ending June 30, 1981. Black Hills requests an effective date of June 30, 1982.

Notice of the filing was issued on April 20, 1982, with responses due on or before May 5, 1982. On May 5, 1982, Gillette filed a protest and petition to intervene. Gillette requests summary disposition with respect to (1) the inclusion in rate base of the unamortized costs associated with an abandoned construction project, (2) a proposed late payment charge, and (3) the proposed treatment of a lease of the Wyodak generating station as a capitalized expense. In addition, Gillette contends that Black Hills' proposed rate increase is excessive and warrants a five month suspension, citing various cost of service issues. Gillette also alleges price squeeze.

On May 19, 1982, Black Hills filed an answer to Gillette's petition and protest. Black Hills opposes the request for a five month suspension, the motions for summary disposition, and the request for a price squeeze investigation.

**Discussion**

Initially, we find that participation in this proceeding by Gillette is in the public interest, and we shall grant its petition to intervene.

We note that Black Hills has failed to properly normalize all timing differences as required by section 35.25 of the Commission's regulations and Order No. 144-A. Accordingly, we shall require Black Hills to file revised rates and cost

of service statements to reflect full tax normalization consistent with Order No. 144-A.<sup>2</sup> The cost data should clearly indicate how and to what extent ACRS tax depreciation deductions and related normalization are reflected in the cost of service.

As indicated by Gillette, Black Hills has included in its rate base the unamortized portion of those costs incurred as a result of the cancellation of its Osage Unit No. 4. The inclusion of such costs in rate base is contrary to well-established precedent. *See, e.g., New England Power Co.*, Opinion No. 49 (July 19, 1979), *aff'd sub nom. NEPCO Municipal Rate Committee and the Electric Departments and Plants of Ashburnham v. F.E.R.C.*, 668 F.2d 1327 (D.C. Cir. 1981). Accordingly, we shall grant Gillette's motion for summary disposition of this question and require Black Hills, in refiling its rates and cost of service statements, to exclude the unamortized portion of this property loss from rate base.

The late payment charge and the treatment of the Wyodak lease which are the remaining subjects of Gillette's motion for summary disposition raise questions of law or fact more appropriately resolved on the basis of an evidentiary hearing. We shall therefore deny summary disposition as to these issues.

Our preliminary review of the instant filing and Gillette's pleading indicates that the rates proposed by Black Hills have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, as modified by summary disposition, and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000 (February 28, 1982), we explained the Commission's suspension policy and noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. In the instant proceeding, our examination suggests that the proposed increase, as modified by summary disposition, may not produce excessive revenues. Accordingly, we shall suspend the proposed rates, as modified, for one

<sup>2</sup>This conclusion is consistent with our decision in *Wisconsin Electric Power Company*, Docket No. ER82-347-000 (April 13, 1982), as to the most appropriate and equitable manner by which to implement the requirements of Order No. 144-A.

<sup>1</sup>See Attachment A for rate schedule designations.

day to become effective subject to refund on July 1, 1982.

In accordance with the Commission's policy and procedures established in *Arkansas Power & Light Company*, Docket No. ER79-339 (August 6, 1979), we shall phase the price squeeze issue raised by Gillette. As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of Gillette or staff, a price squeeze persists, a second phase of the proceeding may follow.

*The Commission orders:*

(A) Gillette's motions for summary disposition with regard to the late payment charge and the treatment of the Wyodak lease are hereby denied.

(B) Black Hills' inclusion in rate base of its unamortized investment in the cancelled Osage Unit No. 4 is summarily rejected. Within thirty (30) days of the date of this order, Black Hills shall file revised rates and cost support reflecting this determination and reflecting full tax normalization consistent with the requirements of Order No. 144-A.

(C) Black Hills' proposed rates, as modified by summary disposition, are hereby accepted for filing and suspended to become effective, subject to refund, on July 1, 1982.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules and Practice and Procedure and the regulations under the Federal Power Act [18 C.F.R., Chapter I], a public hearing shall be held concerning the justness and reasonableness of Black Hills' rates.

(E) Gillette is hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under Federal Power Act; *Provided, however*, that participation by Gillette shall be limited to the matters set forth in its petition to intervene; and *provided, further*, that the admission of Gillette shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(F) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the submission of Black Hills' compliance filing.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall

convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.

Kenneth F. Plumb,  
Secretary.

*Black Hills Power and Light Company, Rate Schedule Designations, Docket No. ER82-454-000*

(1) *Black Hills Power and Light Company* Supplement No. 9 to Rate Schedule FPC No. 17 (Supersedes Supplement No. 8 as Supplemented) (Section No. 6 of Submittal).

(2) Supplement No. 10 to Rate Schedule FPC No. 17 (Supersedes Supplement No. 7).

[FR Doc. 82-17811 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket Nos. EF81-2011-001 and EF81-2021-001]**

**Bonneville Power Administration;  
Order Granting Extension of Interim  
Rates for a Limited Time**

Issued: June 22, 1982.

On May 5, 1982, pursuant to section 7(i)(6) of the Pacific Northwest Electric Power Planning and Conservation Act ("Northwest Act"), Pub. L. No. 96-501, 94 Stat. 2697 (1980), the Bonneville Power Administration ("Bonneville") filed for an extension of interim approval of Bonneville's power rates (Docket No. EF81-2011-000) and transmission rates (Docket No. EF81-2021-000) pending review of an earlier request for final confirmation and approval of these rates

by the Commission. The current interim approval expires on July 1, 1982.<sup>1</sup> Bonneville requests an extension of the interlocutory approval for a period not to exceed five years.

In support of the five year extension, Bonneville presents a number of arguments. First, Bonneville notes that it intends to file new power rates to become effective October 1, 1982, consistent with its contract notice. 47 FR 13710 (March 31, 1982). Bonneville submits that if the Commission extends the pending interim power rate only until October 1, and is thereafter unable to act on the interim approval of the new rates by that date, Bonneville will suffer a revenue deficiency. Second, as to the transmission rates, Bonneville submits that it is unable to adjust certain of its contracts for a period of five years following July 1, 1981, the date of the last rate adjustment. Thus, if interim approval of the transmission rates were to expire June 30, 1982, there would be no approved rate for transmission services. Further, Bonneville submits that an indefinite extension for up to five years is justified by the voluminous records in both pending dockets and that new preliminary studies show that the filed rates may not be fully compensatory.

Public notice of Bonneville's request for extension of interim rate approval was published in the *Federal Register*. 47 FR 24176 (June 3, 1982). Interested parties were invited to submit comments to the Commission relating to the request for extension of the interim approval by June 10, 1982.

On June 10, 1982, two intervenor groups, the "ICP Companies"<sup>2</sup> and the

<sup>1</sup> The rates in these two dockets were approved on an interim basis pursuant to section 7(i)(6) of the Northwest Act for one year, through June 30, 1981, by the Assistant Secretary of Energy for Conservation and Renewable Resources. 46 F.R. 33569 (June 24, 1981). In summary, the Act provides for Commission approval of Bonneville's rates on both an interim and final basis. Congress, however, provided a one-year transition period during which the Secretary of Energy (delegated to the Assistant Secretary for Conservation and Renewable Energy) could continue to approve Bonneville's rates on an interim basis. Under this authority these rates were placed in effect on an interim basis by the Assistant Secretary for a one-year period beginning on July 1, 1981. The Assistant Secretary, on behalf of the Administrator of Bonneville, filed with the Commission on June 29, 1981, a request for confirmation and approval on a final basis for a period not to exceed five years. Since the Commission has not taken final action on the pending filings, and since the Act provides that interim rates approved by the Secretary can continue in effect only until July 1, 1982, Commission action is required to extend the interim approval of the filed rates.

<sup>2</sup> This term is used to refer to the intervening utilities who are members of the Intercompany Pool ("ICP"), including Idaho Power Company, Montana Power Company, Pacific Power & Light Company,



"California parties"<sup>3</sup> filed separate comments. The California parties submit that although in their view Bonneville has not met the filing requirements under our Interim Rules,<sup>4</sup> the Commission should nevertheless grant an extension of time for a period of one year on the condition that Bonneville cures its filing by November 1, 1982. This, the California parties maintain, is necessary because it is unclear what rates Bonneville would be allowed to collect if the extension is denied. In order to avoid delay, the California parties have also requested that the Commission rule on the scope of its jurisdiction and hold a hearing on the Bonneville export rates under section 7(k) of the Northwest Act regardless of the authority to review the regional rates under section 7(a). The ICP Companies argue that Bonneville's request for an interim extension should be denied because of failure to comply with our Interim rules. In the alternative, they request that if the Commission deems an extension to be appropriate, such an extension should not exceed six months during which a hearing could be held for purposes of examining Bonneville's additional data in compliance with 18 CFR Part 300.

On June 11, 1982, the Public Power Council (PPC) and the Public Utility District No. 1 of Snohomish County, Washington (the District) filed a petition to intervene, protest, and comments. The District and PPC request that the Commission deny the indefinite extension sought by Bonneville. The District and PPC request that Bonneville be granted essentially only a one year extension of the interim approval of the power and transmission rates. These Bonneville customers also specifically object to the requested five-year extension for transmission rates for fear that power rates will be used to subsidize transmission costs unrecovered by Bonneville's decision not to adjust the transmission rates.

As to PPC's and the District's intervention petition, we note that they have each previously petitioned to intervene in EF81-2011-000. There is thus no need for an additional intervention petition. We further find good cause to accept PPC's and the

Districts comments although filed one day out of time.

The Commission finds that the present filing, in conjunction with Bonneville's June 29, 1981 filing for final confirmation and approval, is in substantial compliance with our interim Power Marketing agency filing requirements under Part 300 of the Commission's regulations. Because it is unclear what rates, if any, would be applicable following June 30, 1982, in the absence of Commission action on the requested extension, and in view of the potentially substantial revenue loss to Bonneville and the United States Treasury, we find that the public interest will be best served by granting, in part, Bonneville's request for an extension of the interim approval of the power and transmission rates. However, based on the representations made by Bonneville and the intervenors, the Commission cannot find that good cause exists to grant an extension for up to five years. The Commission believes that an extension of the interim rates until January 1, 1983 should be sufficient to enable Bonneville to file new interim rates.<sup>5</sup> The California parties' request for a hearing under section 7(k) will be dealt with by the Commission in our pending determination of the scope of review under the Northwest Act.

*The Commission orders:*

(A) The Bonneville Power Administration's request for extension of interim approval of its transmission rates (Docket No. EF81-2021-000) and power rates (Docket No. EF81-2011-000) is granted until January 1, 1983.

(B) The Bonneville Power Administration's request for a five year extension of interim rate approval is denied.

(C) The various requests for denial of the extension of interim approval or extensions of interim approval different from that provided in ordering paragraph (A) are denied.

(D) The California parties' request that the Commission rule on the scope of jurisdiction and hold a hearing under section 7(k) of the Pacific Northwest Electric Power Planning and Conservation Act is denied without prejudice.

(E) The Secretary shall promptly public this order in the Federal Register.

<sup>5</sup>Section 7(a)(2) of the Act provides that approval of the rates by this Commission must be based on a finding that the rates are compensatory.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-17812 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4090-001]

**Brazos River Authority; Surrender of Preliminary Permit**

June 28, 1982.

Take notice that the Brazos River Authority (BRA) Permittee for the proposed Waco Project No. 4090 has requested that its preliminary permit be terminated. The permit was issued on March 31, 1981, and would have expired on September 1, 1982. The proposed project would have utilized the existing Waco dam and reservoir in McLennan County, Texas. BRA indicates that the project would not appear to be an economic source of energy.

BRA filed its request on June 7, 1982, and the surrender of its permit for Project No. 4090 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-17813 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1830-000]

**James M. Cain; Notice of Application**

June 25, 1982.

The filing individual submits the following:

Take notice that on June 18, 1982, James M. Cain filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President, Chief Executive Officer and Director—Louisiana Power & Light Company.

President and Director—New Orleans Public Service Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure 918 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies

Portland General Electric Company, Puget Sound Power & Light Company, Utah Power & Light Company, and Washington Water Power Company. CP National Corporation, another investor-owned utility intervenor, although not a member of the ICP, joins the ICP Companies in their comments.

<sup>3</sup>Pacific Gas & Electric Company, Southern California Edison Company, the Department of Water and Power of the City of Los Angeles, et al., and the California Public Utilities Commission.

<sup>4</sup>17 FERC ¶61,213, Docket No. RM82-6, Interim Rule (18 CFR Part 300) (Dec. 4, 1981).



of this application are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17796 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP82-343-000]**

**Cities Service Gas Co.; Notice of Application**

June 25, 1982.

Take notice that on May 24, 1982, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-343-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of facilities and the sale of natural gas for resale in the Town of Oilton, Oklahoma, presently being served by Applicant, where the distribution system has been acquired by a new owner, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to continue to operate pipeline, measuring, regulating and appurtenant facilities and to sell gas for resale in the Town of Oilton, Oklahoma, formerly operated by the Pact Gas Company (Pact) but now being operated by the Oilton Public Works Authority.

It is stated that a new contract dated March 23, 1982, has been executed with Oilton Public Works Authority covering the sale of gas for resale in this community on the same terms and conditions as the sale to Pact. Applicant states that no new facilities or expenditures are required and that the sales are currently being made to this community under Applicant's Rate Schedules F-1, C-1, and I-1.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17797 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Project No. 3589-001]**

**City of Zanesville, Ohio; Surrender of Preliminary Permit**

June 28, 1982.

Take notice that the City of Zanesville, Ohio, Permittee for the proposed Dam No. 10 Project No. 3589, requested by letter dated May 20, 1982, that its aforementioned preliminary permit be surrendered. The preliminary permit was issued on May 1, 1981, and would have expired on November 1, 1982. The project would have been located on the Muskingum River in Muskingum County, Ohio. The City states that it has determined that the project is not cost effective at the present time.

The surrender of the permit is in the public interest. Therefore, the surrender of the preliminary permit for Project No. 3589 is accepted as of the date of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17815 Filed 6-30-82; 8:45am]

BILLING CODE 6717-01-M

**[Docket No. ID-1956-000]**

**William T. Coleman, Jr., Order Finding Interlock Jurisdictional**

Issued: June 22, 1982

On May 11, 1981, as supplemented on June 1, 1981 and April 14, 1982, William T. Coleman, Jr. filed a petition seeking an order that an interlock between Philadelphia Electric Company (PECO) and CIGNA Corporation (CIGNA) is not within the scope of section 305(b) of the Federal Power Act because CIGNA is not a firm authorized by law to underwrite or participate in the marketing of securities of a public utility within the meaning of section 305(b).<sup>1</sup> PECO is, by admission, a public utility for purposes of section 305(b). CIGNA through a series of wholly-owned subsidiaries controls 23.5 percent of the outstanding capital stock of Paine Webber Incorporated, a holding company whose operating subsidiaries underwrite and participate in the marketing of securities including public utility securities.<sup>2</sup>

Notice of Coleman's petition was issued on May 21, 1981, with responses due on or before June 10, 1981. No responses have been filed.

**Discussion**

Section 305(b) of the Federal Power Act prohibits persons from holding the position of officer or director of a public utility and the position of officer or director of another public utility; of a bank, trust company, banking association, or firm that is authorized to underwrite or participate in the marketing of public utility securities; or of a supplier of electrical equipment to that public utility, unless the holding of such positions has been affirmatively authorized by the Commission upon a showing by the applicant that neither public nor private interests will be adversely affected.<sup>3</sup>

<sup>1</sup> The original application involved an interlock between PECO and INA Corporation (INA). Effective March 31, 1982, INA and Connecticut General Corporation merged, with the creation of CIGNA as the parent of both a new INA and Connecticut General. Coleman, once a director of INA, is now a director of CIGNA.

<sup>2</sup> By agreement, INA (now presumably CIGNA) through these subsidiaries is entitled to maintain at least a 20 percent interest in Paine Webber's voting stock. The agreement also provides that for five years that ownership interest may not exceed 25 percent. In addition, Paine Webber has agreed to permit the nomination of one INA officer (now presumably one CIGNA corporate family officer) to serve on Paine Webber's board of directors.

Through another subsidiary, INA International Corporation, INA held (now presumably CIGNA holds) a 5 percent interest in the Paris-based Compagnie Financière de Suez which, in turn, holds a 6 percent interest in Paine Webber.

<sup>3</sup> 16 U.S.C. § 825(b) (1976). See *George F. Brewer*, Docket No. ID-1818 (April 6, 1981). Accord, *Lelan F. Sillin, Jr.*, 33 F.P.C. 1006, 1007 (1965) *John Edward Aldred*, 2 F.P.C. 247, 249, 260-65 (1940)

CIGNA itself is not authorized to underwrite or participate in the marketing of public utility securities. Whenever there is control by a parent of a subsidiary which is authorized to do so, however, we believe that imputing the activities of the subsidiary to the parent will be necessary to ensure that persons otherwise required to seek Commission authorization to hold proscribed interlocks do not evade this obligation through the fiction of separate corporate identities.<sup>4</sup> The requirements of section 305(b) could be easily circumvented and thus the protection that it offers undone if the conduct of a subsidiary in such situations could not be attributed to the parent.<sup>5</sup>

The presence or absence of control is a question that we believe should turn upon the facts of each particular case. In making this determination, we believe it useful to look in part to the standards found in the Uniform System of Accounts for guidance; the Uniform System of Accounts offers a readily-available, qualitative definition in which a finding of control hinges upon the individual facts of each particular case. Although we are not bound in our analysis by the Uniform System of Accounts and the definition of control found there is not necessarily dispositive, we believe that reference in this instance to the Uniform System of Accounts is appropriate because it provides a touchstone upon which to ground our analysis.<sup>6</sup> We likewise find that reference to the Public Utility Holding Company Act of 1935 is instructive in addressing such questions. The Public Utility Holding Company Act of 1935, the sister statute to Parts II and III of the Federal Power Act, adopts an approach essentially similar to that found in the Uniform System of Accounts, but adds to that a rebuttable presumption of control with an

ownership interest of 10 percent or greater.<sup>7</sup>

CIGNA, although not itself authorized to underwrite or participate in the marketing of public utility securities, has a controlling interest in subsidiaries which are authorized to do so. CIGNA currently controls 23.5 percent of Paine Webber's voting stock and in the immediate future can increase that ownership to 25 percent; beyond 1984, CIGNA may increase its ownership interest even further. This gives CIGNA control of the largest single block of outstanding Paine Webber voting stock. Moreover, it appears that CIGNA also has the right to nominate one of its officers to serve on Paine Webber's board of directors. We thus believe that, for purposes of section 305(b), CIGNA has a controlling interest in Paine Webber and we consequently believe that imputing the activities of Paine Webber and its subsidiaries to CIGNA is proper.

Coleman argues that CIGNA does not intend to exercise any control over its subsidiaries and that these subsidiaries will be allowed to operate independently. The potential exercise of corporate authority, however, may be unavoidable.<sup>8</sup> We believe that CIGNA has both the right and the ability to influence the actions of its subsidiaries and such influence may be exerted either explicitly through direct control or implicitly through subtle pressures on Paine Webber's management.<sup>9</sup> Furthermore, intentions in this regard may always change and we believe that such assurances in any event do not substantially mitigate the dangers that may be presented by otherwise proscribed interlocks.<sup>10</sup>

<sup>4</sup>15 U.S.C. § 79b(a)(8) (1976). See *Louisiana Power & Light Company*, Opinion No. 104, Docket No. ER77-533 (Phase II) (December 16, 1980); *Edwin I. Hatch*, Opinion No. 67, Docket No. ID-1424 (November 6, 1979), *reh. denied*, *Edwin I. Hatch*, 67-A, Docket No. ID-1424 (May 7, 1980), *aff'd in part and rev'd and remanded in part*, 654 F.2d 825 (D.C. Cir. 1981), *order on remand*, *Edwin I. Hatch*, Docket No. ID-1424 (February 18, 1982); *Commonwealth Edison Company*, 36 F.P.C. 927, 931-32 (1966), *reh. denied*, 37 F.P.C. 257 (1967), *aff'd*, 394 F.2d 16 (7th Cir.), *cert. denied*, 394 U.S. 453 (1968); *Western Light & Telephone Company*, 33 F.P.C. 1147 1148-49 (1965). We would note the approach we have adopted here comports as well with the standard that we have adopted under section 305(c). See 18 C.F.R. § 46.2(d) (1981).

<sup>5</sup>As noted previously, CIGNA, through various subsidiaries, controls the largest single block of outstanding Paine Webber voting stock and is entitled to maintain a corporate family officer on Paine Webber's board of directors. See discussion at pages 1, 3 *supra*.

<sup>6</sup>See *Margery Somers Foster*, Docket No. ID-1967-000 (May 7, 1982).

<sup>7</sup>*Hatch v. FERC*, 654 F.2d 825, 832 (D.C. Cir. 1981). See *Edward O. Boshell*, Docket No. ID-1107 (August 8, 1955), *reh. denied*, 14 F.P.C. 1003 (1955), *John P. Wagner*, Docket No. ID-1262 (August 8,

Coleman further contends that Congressional enactment of section 305(c)<sup>11</sup> and the Commission's regulations pursuant to section 305(c)<sup>12</sup> require a finding of no jurisdiction. We do not believe that the enactment of section 305(c) limits in any way our jurisdiction or authority under section 305(b). There is nothing in either the statute or the legislative history which we believe justifies a contrary conclusion; section 305(c) imposes only a reporting requirement and neither amends section 305(b) nor limits the scope of our jurisdiction or authority thereunder.<sup>13</sup> The analysis underlying Part 46 of our regulations likewise imposes no restriction on our jurisdiction or authority under section 305(b). Part 46 of the Commission's regulations grew out of section 305(c) rather than section 305(b); it was intended solely to implement a statutorily imposed reporting requirement, not to define our authority under section 305(b).

Accordingly, we find that the interlock at issue here is within the purview of section 305(b) and does require Commission authorization. Unlike *Margery Somers Foster* in Docket No. ID-1967-000, however, Coleman did not file an application for Commission authorization under Part 45 of our regulations.<sup>14</sup>

1955), *reh. denied*, *John P. Wagner*, Docket No. ID-1262 (September 26, 1955). *Accord*, *Edwin I. Hatch*, Docket No. ID-1424 (February 18, 1977).

<sup>11</sup>16 U.S.C. § 825d(c) (Supp. III 1978).

<sup>12</sup>18 C.F.R. Part 46 (1981).

<sup>13</sup>What was ultimately to become section 305(c) was proposed originally as an amendment to section 305(b); no change in section 305(b) was ever made, however. There is likewise little evidence in the legislative history that would suggest a limit to our jurisdiction and authority here. See H.R. Rep. No. 95-543, 95th Cong., 1st Sess. 48-49 (1977). *Accord*, H.R. Rep. No. 95-1750, 95th Cong., 2d Sess. 99 (1978); S. Rep. No. 95-1292, 95th Cong., 2d Sess. 99 (1978). See generally, *Warner-Lambert Co. v. FTC*, 562 F.2d 749, 757-58 (D.C. Cir.), *cert. denied*, 435 U.S. 940 (1977). Furthermore, to infer from the actions of a later Congress the intent of an earlier Congress is a hazardous undertaking. See *CPSC v. CTE Sylvania*, 447 U.S. 102, 117-18 (1980); *Andrus v. Shell Oil Co.*, 446 U.S. 657, 666 n.8 (1980); *TVA v. Hill*, 437 U.S. 153, 189-93 (1968); *U.S. v. Southern Cable Co.*, 392 U.S. 157, 170 (1968); *U.S. v. Philadelphia National Bank*, 374 U.S. 321, 348-49 (1963); *U.S. v. Price*, 361 U.S. 304, 313 (1960). This is particularly true here, where the intent of the earlier, enacting Congress as to section 305(b) is clear.

<sup>14</sup>Coleman asks that a hearing be ordered so that he may present his case to the Commission. Given the nature of the matters presented here, the relevant Commission precedent, and the pleadings before us, we believe that a hearing is neither required nor necessary to a proper resolution of the matters before us. Coleman also asks that, in the event the Commission determines that it has jurisdiction, the Commission not require compliance with its order pending an appeal. While we do not find it appropriate to stay our order *ab initio*, we do

<sup>4</sup>We recently stated that if "a statutory purpose can be easily frustrated through the use of separate corporate entities, a regulatory commission may look through the corporate form and treat the separate entities as one and the same." Opinion No. 139, *Nantahala Power and Light Co., et al.*, Docket Nos. ER76-828-000, *et al.* (May 14, 1982).

<sup>5</sup>In two recent proceedings, we found that companies which have wholly-owned subsidiaries that are underwriters or dealers in securities would themselves be considered underwriters of dealers in securities. *Margery Somers Foster*, Docket No. ID-1967-000 (May 7, 1982); *Edwin I. Hatch*, Opinion No. 67, Docket No. ID-1424 (November 6, 1979), *reh. denied*, *Edwin I. Hatch*, Opinion No. 67-A, Docket No. ID-1424 (May 7, 1980), *aff'd in part and rev'd and remanded in part*, 654 F.2d 825 (D.C. Cir. 1981), *order on remand*, *Edwin I. Hatch*, Docket No. ID-1424 (February 18, 1982). See *Edwin I. Hatch*, Docket No. ID-1424 (February 18, 1977).

<sup>6</sup>18 C.F.R. Part 101, Definition 5B (1981); 18 C.F.R. Part 104, Definition 5B (1981).

We thus shall require Coleman within forty-five days either to file such an application or to remove himself from one of the positions in question so that he no longer is subject to section 305(b).<sup>15</sup>

#### The Commission Orders

(A) William T. Coleman, Jr.'s petition for an order finding that an interlock between Philadelphia Electric Company and the CIGNA Corporation is not within the scope of section 305(b) of the Federal Power Act is hereby denied.

(B) William T. Coleman, Jr. is hereby directed within forty-five (45) days of the date of this order either to file an application to hold the interlock described herein or to resign from one of the positions in question so that he no longer is subject to section 305(b) of the Federal Power Act.

(C) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 82-17814 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. CP82-340-000]

June 25, 1982.

#### Columbia Gas Transmission Corp.; Notice of Application

Take notice that on May 21, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP82-340-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for additional new delivery points to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this application is to construct 49 interconnection tap facilities to provide additional points of delivery.

not in this situation believe it appropriate to require Coleman to remove himself from either of his positions during the forty-five days allowed in this order for the filing of a section 305(b) application and during the pendency of that application. Of course, should he choose not to file such an application, we note that at the end of the forty-five days, he must remove himself from one of the positions in question so that he no longer is subject to section 305(b).

<sup>15</sup>We make no finding here as to whether we would grant or deny such an application.

Applicant estimates that the average cost of an interconnecting tap facility necessary for a point of delivery would be \$300 for 44 of the 49 taps. Applicant estimates that the remaining five taps would cost \$8,900, \$3,400, \$26,900, \$6,100 and \$16,300, respectively. It is further asserted that the total cost would be approximately \$75,000 and would be financed through internally generated funds.

The proposed new delivery points are as follows:

1. Columbia Gas of Kentucky, Inc., 1 tap for residential service, 1 tap for combined residential and commercial service—Estimated annual usage of 50, 150 Mcf
2. Columbia Gas of Ohio, Inc., 24 taps for residential service, 2 taps for commercial service, 1 tap for industrial service—Estimated annual usage of 29,337 Mcf
3. Columbia Gas of Pennsylvania, Inc., 3 taps for residential service—Estimated annual usage of 450 Mcf
4. Columbia Gas of Virginia, Inc., 1 tap for residential service, 1 tap for combined residential, and commercial service—Estimated annual usage of 27,050 Mcf
5. Columbia Gas of West Virginia, Inc., 13 taps for residential service—Estimated annual usage of 1,950 Mcf
6. The Dayton Power and Light Company, 1 tap for residential service—Estimated annual usage of 8,475 Mcf
7. Washington Gas Light Company, 1 tap for combined residential and commercial service—Estimated annual usage of 1,035,000 Mcf

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if

the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 82-17798 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. GP82-41-000]

#### Columbia Gas Transmission Corp.; Notice of Application of Columbia Gas Transmission Corporation for Exception or Waiver of Selected Provisions of the Commission's NGPA Regulations

June 25, 1982.

Take notice that on May 24, 1982, Columbia Gas Transmission Corporation (Columbia) filed pursuant to § 1.7 of the Commission's Regulations<sup>1</sup> an application for an exception or waiver of §§ 271.804(c), 273.204(a)(1)(i) and 273.204(a)(2) of the Commission's regulations under the Natural Gas Policy Act of 1978, (NGPA) 15 U.S.C. §§ 3301-3432. Specifically Columbia requests an exception to the filing deadline contained in § 273.204(a)(2) for wells qualifying under section 107(c)(4) (wells producing gas from the Devonian Shale). Columbia requests that the June 23, 1980 filing deadline be waived for qualifying sales of gas from Devonian Shale for which applications were filed with appropriate state jurisdictional agencies on or before December 1, 1982. Columbia further seeks a waiver of the regulations to enable it to qualify certain of its wells as stripper wells under NGPA section 108 retroactive to December 1, 1978.

Columbia states that the purpose of this application is to permit Columbia to file for NGPA well determinations for certain company-owned wells which have in the past been subject to cost-of-service treatment. This action, Columbia states, is necessitated by the ruling in *Mid-Louisiana Gas Company v. FERC* 664 F.2d 530 (5th Cir. 1982). In light of the court's decision in *Mid-Louisiana*, Columbia now seeks to treat all of its company-owned production as a first

<sup>1</sup>Columbia amended its original request for relief under § 1.41, by letter dated June 15, 1982.

sale under the NGPA. According to Columbia, this, in turn, requires that Columbia make the proper filings for well determinations required by the Commission's regulations under the NGPA for its "old gas" wells previously subject to cost-of-service regulation.

Columbia indicates that as a result of the *Mid-Louisiana* decision it has many company-owned wells which will qualify under sections 107 and 108 of the NGPA. It maintains that the waivers are necessary to permit it to obtain proper NGPA first sale treatment for production which treatment allegedly was denied under the Commission regulations invalidated by the *Mid-Louisiana* decision. Specifically, Columbia requests an exception to the April 1, 1979 filing deadline contained in § 273.204(a)(1)(i). Columbia proposes that such deadline be waived for wells for which qualifying production data was filed with state jurisdictional agencies on or before December 1, 1982. Columbia also seeks to waive the requirement of § 271.804(c) requiring the qualifying 90-day production period for section 108 wells to fall within 180 days of the date application for a determination. Columbia maintains that these waivers are similar to those earlier granted Columbia as the result of order issued in Docket No. RM80-6, (Order of Director, OPRR, issued August 18, 1981; Order Amending Order of the Director, OPRR, issued October 19, 1981).

Any person desiring to participate in this request for exception should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure. All petitions to intervene must be filed on or before July 16, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-17846 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. CP75-158-006]

#### Consolidated Gas Supply Corp.; Petition To Amend

June 25, 1982.

Take notice that on May 28, 1982, Consolidated Gas Supply Corporation (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP75-158-006 a petition to amend the order issued May 29, 1975,<sup>1</sup>

<sup>1</sup>This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

as amended, in Docket No. CP75-158 pursuant to Section 7(c) of the Natural Gas Act so as to authorize minor modifications in the replacement program for its West Virginia wet gas transmission system, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued May 19, 1975, as amended, Petitioner was authorized to undertake a four-year program to replace its West Virginia wet gas transmission system. Petitioner states that subsequently, various orders issued in this proceeding authorized the abandonment of its Maxwell Compressor Station located in Doddridge County, West Virginia, and the relocation of its single 440 hp compressor unit to Collins Compressor Station also located in Doddridge County, West Virginia.

Petitioner states, however, that increased supplies of locally-produced gas in the area of its Maxwell Compressor Station render it advantageous to retain the station in its present location. Accordingly, Petitioner requests authorization to retain and operate Maxwell Compressor Station located in Doddridge County, West Virginia, rather than relocating its single 440 hp compressor unit to Collins Compressor Station as had been previously approved. Petitioner adds that it appears that local gas available through Collings Compressor Station will remain relatively stable over the foreseeable future.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17799 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. ER82-465-000]

#### Empire District Electric Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motion To Reject, Granting Interventions, Granting Request for Summary Disposition, and Establishing Hearing and Price Squeeze Procedures

Issued: June 24, 1982.

On April 19, 1982, Empire District Electric Company (Empire) tendered for filing increased rates for firm power service to five wholesale customers.<sup>1</sup> The proposed rates would increase revenues by approximately \$1,277,155 (34.43%) for the calendar year 1982 test period. Empire requests that the rates become effective on July 1, 1982. Empire also states that the proposed rates are intended to apply to Sekan at its Crestline delivery point upon expiration of an existing fixed rate contract for service at that delivery point (November 1, 1983).

Notice of Empire's filing was issued on April 28, 1982, with responses due by May 12, 1982. In response to a request for extension of time filed by Chetopa, the time period for petitions to intervene was extended until June 3, 1982.

On May 12, 1982, Kansas Electric Power Cooperative, Inc., and its two member systems served by Empire, Sekan and Twin Valley (KEPCO), filed a protest, petition to intervene, motion to reject, or in the alternative to require compliance with the Commission's regulations, request for maximum price squeeze proceedings. KEPCO's motion to reject alleges that Empire's filing fails to project Period II coincident peak demands as required by section 35.13(b)(27) of the Commission's regulations. Alternatively, KEPCO requests that the filing be found deficient on the same ground. In addition, KEPCO requests summary disposition as to Empire's inclusion in the capital structure of accumulated deferred income tax (ADIT) and accumulated deferred investment tax credits (ADITC).

In addition, KEPCO alleges that Empire's filing should be rejected with respect to the Crestline delivery point.

<sup>1</sup>Empire's tariff customers are the Cities of Monett (Monett) and Mount Vernon, Missouri, the City of Chetopa, Kansas (Chetopa), the Twin Valley Electric Cooperative, Inc. (Twin Valley), and the Sekan Electric Cooperative Association, Inc. (Sekan). All of these customers (with the exception of Sekan at its Crestline delivery point) are served under the rate schedule designated as: *Empire District Electric Company First Revised Sheet Nos. 4 and 5 to FERC Electric Tariff, First Revised Volume No. 1* (Supersedes Original Sheet Nos. 4 and 5).

KEPCO also raises several cost of service issues, including (1) rate of return, (2) cash working capital allowance, (3) property and payroll tax expenses, (4) depreciation expense, (5) allocation of revenue credits from off-system sales, (6) transmission loss factors, (7) minimum bill provisions, (8) rate design, (9) tax normalization calculations, and (10) long-term debt interest tax deductions. Finally, KEPCO alleges price squeeze.

On May 24, 1982, Chetopa filed a protest, petition to intervene, motion for maximum suspension, and request for price squeeze procedures. Chetopa alleges that although it has had only limited time to analyze Empire's filing, it has found the depreciation expense to be incorrectly calculated. It further states that Empire has not shown that a suspension period of less than five months is warranted and that Empire's filing creates price discrimination.

On May 14, 1982, Monett filed a letter commenting on Empire's submittal. Monett states that a lesser increase and a six-month suspension are appropriate. Monett does not request intervention.

On May 27, 1982, Empire filed an answer to KEPCO's petition. Empire states that KEPCO's interest in the proceeding is not sufficient to warrant intervenor status and that it has not shown that its interests would be inadequately represented by Sekan and Twin Valley. Empire also rebuts all of KEPCO's substantive allegations.

#### Discussion

The Commission finds that KEPCO may have an interest not adequately represented by other parties and that its participation, as well as that of the other petitioners to intervene, is in the public interest. Accordingly, each of the petitions to intervene will be granted.

We shall grant KEPCO's request for summary disposition of Empire's inclusion of ADIT and ADITC as separate components of the capital structure and we shall further require Empire to deduct its ADIT balances from rate base. This decision is in accord with *Minnesota Power and Light Company*, Opinion No. 12, Docket No. E-8494 (April 14, 1978) (ADIT) and *Public Service Company of New Mexico*, Docket Nos. ER79-478, et al., (December 19, 1979) (ADITC). Empire will be ordered to file revised rates and revised cost of service statements within 30 days of this order which reflect (1) exclusion of ADIT and ADITC balances from the capital structure, and (2) a rate base reduction for ADIT balances.

We note further that although Empire's filed cost of service supports a wholesale revenue requirement of

\$4,972,000, its proposed rates when applied to test year billing determinants produce total wholesale revenues of \$4,984,190.<sup>2</sup> Our analysis indicates that the discrepancy is attributable primarily to Empire's failure to reflect fuel clause revenues of \$6,466 in deriving the unit energy charge. Consistent with *Potomac Edison Company*, Docket No. ER81-141-000 (April 8, 1981), the unsupported revenue level will be summarily rejected and Empire will be ordered, in refilling its rates, to develop those rates so as to produce revenues no greater than its claimed wholesale revenue requirement.

We decline to reject Empire's filing as to the Crestline delivery point. In our view, *Municipal Electric Utility Ass'n of Alabama, et al. v. FPC*, 485 F.2d 467 (D.C. Cir. 1973) permits Empire's filing in this regard. We do note, however, that the rates for Sekan-Crestline may become effective only after Empire timely files a service agreement and revised customer list with the Commission and the Commission, after providing for comments, protests, or interventions, accepts the filing and designates an effective date. KEPCO may renew its specific objections at that time.

As modified by summary disposition, Empire's submittal substantially complies with the Commission's filing requirements. Thus, we shall deny KEPCO's motion to reject.<sup>3</sup> We note, however, that Empire's filing is not in compliance with the Commission's Order No. 144-A (February 22, 1982) in that it does not reflect tax normalization of all timing differences as specified in that order and does not establish a method to amortize the existing deficiency in the deferred tax account due to previous timing differences which have been flowed through. In accordance with the policy articulated in *Wisconsin Electric Power Company*, Docket No. ER82-347-000 (April 13, 1982), Empire will be ordered to refile its cost of service and rates to reflect tax normalization procedures consistent with Order No. 144-A, with such revised rates to become effective, subject to refund, on the same date the Commission orders the originally filed rates to become effective.

<sup>2</sup> Although Empire's Period II Statement BG indicates proposed wholesale revenues of \$4,986,190, Empire has made two computational errors in applying the proposed rates to the billing determinants which result in a \$2,000 overstatement of total wholesale proposed revenues in Statement BG.

<sup>3</sup> See *Municipal Light Boards of Reading and Wakefield, Mass. v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971). Empire provided projected Period II coincident peak demand data in Statement BH and in the workpapers supporting its cost of service statements.

Our preliminary examination of Empire's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

We recently explained the Commission's suspension policy in *West Texas Utilities Company*, Docket No. ER82-23-000 (February 26, 1982). In that order, we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. In the instant proceeding our preliminary review suggests that the proposed rates may yield substantially excessive revenues. As we stated in *West Texas*, under such circumstances, we shall suspend the rates for the maximum period. Accordingly, we shall suspend Empire's rates for five months, to become effective, subject to refund, on December 1, 1982.

In light of the intervenors' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339 (August 6, 1979).

#### The Commission Orders

(A) KEPCO's motion to reject Empire's submittal, in whole or in part, is denied.

(B) Empire's proposed rates are hereby accepted for filing, as modified by summary disposition and subject to refiling in accordance with the requirements of Order No. 144-A, and are suspended for five months from the proposed effective date, to become effective on December 1, 1982, subject to refund.

(C) Empire shall file, within thirty (30) days of the date of this order, revised rates and a revised cost of service which reflect tax normalization procedures consistent with Order No. 144-A, and which reflect the summary dispositions ordered in Paragraphs (D) and (E) below, with such revised rates to become effective on December 1, 1982, subject to refund.

(D) KEPCO's request for summary disposition of Empire's inclusion of ADIT and ADITC in the capital structure is granted. Empire is directed to file revised rates and revised cost of

service statements which reflect (1) exclusion of ADIT and ADITC balances from the capital structure, and (2) a rate base reduction for ADIT balances.

(E) Empire's proposed unit energy charge is summarily rejected. Empire shall file revised rates which produce test period revenues of not more than its claimed wholesale revenue requirement.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Empire's rates.

(G) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and provided, further, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Commission staff shall serve top sheets in this proceeding on or before July 10, 1982.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the

Commission's Rules of practice and Procedure.

(K) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-17616 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1967-001]

### Margery Somers Foster; Order Granting Rehearing and Vacating Stay

Issued: June 22, 1981.

By order issued May 7, 1982, the Commission held that an interlock between Public Service Electric and Gas Company (PSE&G) and the Prudential Insurance Company of America (Prudential) was within the scope of section 305(b) of the Federal Power Act because of Prudential's control of the Bache Group, Inc. and its subsidiaries. The Commission further found that Margery Somers Foster should be granted authorization to hold that interlock only for so long as Prudential and its subsidiaries do not underwrite or otherwise participate in the distribution and marketing of PSE&G's or its subsidiaries' securities.<sup>1</sup>

On May 8, 1982, Foster filed a petition for rehearing and a request for a stay of the Commission's order, objecting specifically to the condition imposed by the Commission as to the underwriting and marketing of PSE&G's and its subsidiaries' securities. By order issued May 18, 1982, the Commission granted rehearing solely for purposes of further consideration and granted the requested stay pending further consideration.

### Discussion

The Commission, in its order issued May 7, 1982, approving the interlock stated:

However, in order to ensure that market manipulation and a lack of arm's-length dealings do not occur, we shall allow Foster to hold the interlock in question only so long as Prudential and its subsidiaries do not underwrite or otherwise participate in the distribution and marketing of the securities of PSE&G or its subsidiaries.<sup>10</sup>

<sup>1</sup> This condition was expressly intended not to encompass dealings in the so-called secondary securities markets on behalf of investors.

<sup>10</sup> We do not, however, intend to bar Foster from holding this interlock if Prudential and its subsidiaries simply buy or sell securities in the so-called secondary securities markets solely on behalf of investors who desire to buy or sell PSE&G's securities or the securities of PSE&G's subsidiaries.

Foster argues that in light of the Commission's finding that no adverse effect would result to public or private interests, the condition is unnecessary if not inconsistent. Foster further contends that the condition imposed by the Commission forces her to meet a standard higher than that imposed upon other applicants. Foster also suggests that the condition restricts Prudential and its subsidiaries and PSE&G and its subsidiaries in their ability to conduct securities transactions to their mutual benefit. It may, as well, preclude PSE&G from selling securities through public offerings. These consequences, Foster argues, may force her to resign from one or the other of the directorships.

We have consistently expressed our concerns with regard to the potential abuses that may result from such interlocks.<sup>2</sup> We thus seek to prevent such abuses and not merely to remedy those that may already have occurred.<sup>3</sup> Here, we have an interlock held by a distinguished and independent professional, a past professor of economics and dean at various universities, whose value to both PSE&G and Prudential is considerable. Moreover, she is an outside director as to both companies and she holds the only interlock between the two companies. When taken together, we believe that there will be little opportunity for the abuses that concern us to arise. Upon our further consideration of this matter, we believe that the condition complained of here is not necessary to our finding that no adverse affect on public or private interests will result from the interlock. Certainly the condition would give added assurance that any mischief that might result from an interlock will not result. Nevertheless, the interlock at issue here—a single interlock between

<sup>2</sup> Our earlier decisions make clear Congressional concerns and our continuing concerns with respect to such interlocks and the potential dangers that may arise. See, e.g., *George F. Brewer*, Docket No. ID-1818 (April 6, 1981); *Robert P. Reuss*, Docket No. ID-1823 (June 25, 1979); *Willis C. Fitkin, et al.*, Docket Nos. ID-1709, et al. (June 25, 1979); *Charles T. Fisher, III, et al.*, Docket Nos. ID-1758, et al., (June 25, 1979), *order on reh.*, *Charles T. Fisher, III*, Docket Nos. ID-1758 (October 25, 1979); *Lelan F. Sillin, Jr.*, 33 F.P.C. 1006 (1965); *John Edward Aldred*, 2 F.P.C. 247 (1940). *Accord, Hatch v. FERC*, 654 F. 2d 825 (D.C. Cir. 1981).

<sup>3</sup> See, e.g., *Hatch v. FERC*, 654 F. 2d 825, 831-32 (D.C. Cir. 1981); *UGI Corp.*, Docket No. ID-1977-000 (May 21, 1982); *George F. Brewer*, Docket No. ID-1818 (April 6, 1981); *Willis C. Fitkin, et al.*, Docket Nos. ID-1709, et al. (June 25, 1979); *Charles T. Fisher, III, et al.*, Docket No. ID-1758, et al., (June 25, 1979), *order on reh.*, *Charles T. Fisher, III*, Docket No. ID-1758 (October 25, 1979); *Lelan F. Sillin, Jr.*, 33 F.P.C. 1006 (1965); *John Edward Aldred*, 2 F.P.C. 247 (1940).



the two companies involving an applicant of Foster's standing serving as an outside director as to both companies—is such that the potential dangers that might normally be presented by such interlocks appear to be sufficiently unlikely so as to justify our authorizing the holding of the interlock without the underwriting limitation imposed by our earlier order.

Accordingly, we shall grant Foster's petition for rehearing and vacate the condition to which she objects. We shall likewise vacate the stay imposed by our order of May 18, 1982.

#### *The Commission Orders*

(A) The petition for rehearing of Margery Somers Foster is hereby granted. Our order May 7, 1982, is hereby modified by deleting the underwriting limitation from ordering paragraph B.

(B) The stay imposed by Commission order issued May 18, 1982 is hereby vacated.

(C) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17817 Filed 6-30-82; 8:48 am]  
BILLING CODE 6717-01-M

[Docket No. ID-2008-000]

#### **Bernard M. Fox; Notice of Application**

June 25, 1982.

The filing individual submits the following:

Take notice that on June 14, 1982, Bernard M. Fox filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions.

Senior Vice President, Connecticut Light and Power Company  
Senior Vice President, Holyoke Water

Power Company  
Senior Vice President, Western  
Massachusetts Electric Company  
Senior Vice President, Hartford Electric  
Light Company  
Senior Vice President, Holyoke Power  
and Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17883 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket Nos. G-5320-000, et al.]

#### **Getty Oil Company (Succ. in Interest to Skelly Oil Co.); Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>**

June 23, 1982.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 8, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

Docket No. and Date filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>3</sup>	Pressure base
G-5320-000, June 4, 1982	Getty Oil Company (Succ. in Interest to Skelly Oil Company), P.O. Box 1404, Houston, Texas 77001.	Cities Service Gas Company, Guymon-Hugoton Field, Texas County, Oklahoma.	(?)	14.65
G-11072-000, D. Aug. 30, 1977	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	Panhandle Eastern Pipe Line Company, Hansford Field, Hansford County, Texas.	(?)	
G-13873-000 (G-13638), July 23, 1979 <sup>1</sup>	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Southern Natural Gas Company, West Bay (Tantine) Field, Plaquemines Parish, Louisiana.	(?)	15.025
G-16139-008, D. Dec. 22, 1980	.....do.....	Transwestern Pipeline Company, Panhandle Area, Various Counties, Texas.	(?)	
G-19432-001, D. May 27, 1982	Shell Offshore Inc. (Succ. in Interest to Shell Oil Company), P.O. Box 2463, Houston, Texas 77001.	Tennessee Gas Pipeline Company, South Pass Block 6 Field, Plaquemines Parish, Offshore Louisiana.	(?)	
C162-1253-000, D. June 10, 1982	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Arkansas Louisiana Gas Company, Centrahoma Field, Coal County, Oklahoma.	(?)	
C167-1802-000 Apr. 29, 1983	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	United Gas Pipe Line Company, Bayou St. Vincent Field, Assumption Parish, Louisiana, Southern Louisiana Area.	(?)	15.025



Docket No. and Date filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>3</sup>	Pressure base
C174-493-000 (G-7638), B, Feb. 25, 1974.	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Coastal States Gas Producing Company, East Mathis Field, San Patricio County, Texas.	( <sup>1</sup> )	
C180-41-001, May 20, 1982	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.	Southern Natural Gas Company, Blocks 114, 115 and 116, Main Pass Area, Offshore Louisiana.	( <sup>10</sup> )	15.025
C182-279-000, A, June 1, 1982	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Southern Natural Gas Company, Matagorda Island Block 703, Offshore Texas.	( <sup>11</sup> )	14.73
C182-280-000, A, June 2, 1982	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	United Gas Pipe Line Company, High Island Block A-499, Offshore Texas.	( <sup>12</sup> )	14.73
C182-281-000 (C167-372), B, June 2, 1982.	Pennzoil Company, P.O. Box 2967, Houston, Texas 77001.	National Fuel Gas Supply Corp. (Succ. In Interest to Pennsylvania Gas Company), Cooper Field, Sheffield Township, Warren County, Pennsylvania.	( <sup>13</sup> )	
C182-282-000, A, June 7, 1982	Odeco Oil & Gas Company, P.O. Box 61780, New Orleans, Louisiana 70161.	Tennessee Gas Pipeline Company, Ship Shoal Block 94, in the Gulf of Mexico, Offshore Louisiana.	( <sup>14</sup> )	15.025
C182-283-000, B, June 4, 1982	Prenatta Corporation, 625 First Interstate Building, P.O. Box 2514, Casper, Wyoming 82602.	Colorado Interstate Gas Company, Point of Rocks Field, Sweetwater County, Wyoming.	( <sup>15</sup> )	
C182-284-000, A, June 7, 1982	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.	Trunkline Gas Company, Block A-542, High Island Area, South Addition, Offshore Texas.	( <sup>16</sup> )	14.73
C182-285-000, A, June 9, 1982	Zapata Exploration Company, P.O. Box 4240, Houston, Texas 77001.	United Gas Pipe Line Company, West Cameron Block 538, Offshore Louisiana.	( <sup>17</sup> )	15.025
C182-286-000, A, June 9, 1982	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Texas Eastern Transmission Corporation, Vermilion Block 264, Offshore Louisiana.	( <sup>18</sup> )	15.025
C182-287-000, E, June 9, 1982 <sup>20</sup>	The Pittsburg & Midway Coal Mining Co. (Succ. In Interest to The Kemmerer Coal Company), P.O. Box 2100, Houston, Texas 77252.	Northwest Pipeline Corporation, Creston Area, Carbon County, Wyoming.	( <sup>19</sup> )	14.73
C182-288-000, E, June 9, 1982 <sup>20</sup>	do	Northwest Pipeline Corporation, Barrell Springs Field, Carbon County, Wyoming.	( <sup>20</sup> )	14.73
C182-289-000, E, June 10, 1982 <sup>20</sup>	do	Northwest Pipeline Corporation, Barrell Springs Field, Carbon County, Wyoming.	( <sup>21</sup> )	14.73
C182-290-000, A, June 9, 1982	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Northern Natural Gas Company, High Island Block 199, Offshore Texas.	( <sup>22</sup> )	14.73
C182-291-000 (G-16379), B, June 11, 1982.	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Company, Bisti Field, San Juan County, New Mexico.	( <sup>23</sup> )	
C182-292-000, A, June 14, 1982	Collazo Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	Northern Natural Gas Company, Hugoton Field, Texas County, Oklahoma.	( <sup>24</sup> )	14.73
C182-293-000, F, June 14, 1982	Sun Exploration and Production Company (Par. Succ. To Singer-Fleischaker Oil Co.), P.O. Box 20, Dallas, Texas 75221.	Michigan-Wisconsin Pipe Line Company, Laverne Field, Harper County, Oklahoma.	( <sup>25</sup> )	14.73
C182-294-000, A, June 14, 1982	Conoco Inc., P.O. Box 2197, Houston, Texas 77252.	Natural Gas Pipeline Company of America, South Marsh Island Block 288, ("CB") Platform, Offshore Louisiana.	( <sup>26</sup> )	15.025
C182-295-000, B, June 10, 1982	Raymond Oil Company, Inc., Suite 800, 200 West Douglas Street, Wichita, Kansas 67202.	Northern Natural Gas Company, Mullinville Field, Kiowa County, Kansas.	( <sup>27</sup> )	
C182-296-000, A, June 15, 1982	Pacific Petroleum Inc., P.O. Box 4240, Houston, Texas 77001.	Panhandle Eastern Pipeline Company, High Island Block A-542, Offshore Texas.	( <sup>28</sup> )	14.73
C182-297-000, A, June 15, 1982	Zapata Exploration Company, P.O. Box 4240, Houston, Texas 77001.	Panhandle Eastern Pipeline Company, High Island Block A-542, Offshore Texas.	( <sup>29</sup> )	14.73
C182-298-000, A, June 15, 1982	do	Trunkline Gas Company, High Island Block A-542, Offshore Texas.	( <sup>30</sup> )	14.73
C182-299-000, A, June 15, 1982	Pacific Petroleum Inc., P.O. Box 4240, Houston, Texas 77001.	Trunkline Gas Company, High Island Block A-542, Offshore Texas.	( <sup>31</sup> )	14.73
C171-838-000, D, June 8, 1982	Ashland Exploration, Inc., P.O. Box 391, Ashland, Kentucky 41114.	Texas Gas Transmission Corporation, West Midland Gas Field, Muhlenberg County, Kentucky.	( <sup>32</sup> )	

<sup>1</sup> Applicant is filing to change delivery point.

<sup>2</sup> Sun released its interest in the Nusbbaum-Hart #1 to Daco Lease & Well Service and relinquished its interest in the Nusbbaum Lease unto the lease owners.

<sup>3</sup> Applicant requests that sales authorized under its certificate in Docket No. G-13636 and its related FERC G.R.S. No. 336 be consolidated under its certificate in Docket No. G-13873 and its related FERC G.R.S. No. 248. Applicant also requests that Docket No. G-13636 be terminated and its related G.R.S. No. 336 be canceled.

<sup>4</sup> Applicant is filing under contract dated November 1, 1978.

<sup>5</sup> By Assignments dated May 25, 1961, October 25, 1960, November 3, 1960, November 3, 1960 and July 23, 1963 Gulf assigns and transfers all of its leasehold estate rights in and to all of the oil and gas.

<sup>6</sup> Since last production on October 28, 1981, efforts to restore production have been unsuccessful. No drilling or workover proposals remain.

<sup>7</sup> Deletion of acreage due to farm out. (Working interest ownership)

<sup>8</sup> Non-Producing Acreage. Last well plugged and abandoned early 1979 and the lease surrendered.

<sup>9</sup> Gas reserves depleted.

<sup>10</sup> Applicant is filing under letter dated February 18, 1982 and Amendment Agreement dated February 2, 1982.

<sup>11</sup> Applicant is filing under Gas Purchase Contract and Sales Agreement dated April 7, 1982.

<sup>12</sup> Applicant is filing under Gas Purchase Contract dated April 22, 1982.

<sup>13</sup> Available Supply of Gas is depleted to the extent that Continuance of Service is unwarranted.

<sup>14</sup> Applicant is filing under Gas Purchase Contract dated June 28, 1954, Ratified July 19, 1954.

<sup>15</sup> Applicant is filing under Gas Purchase and Sales Agreement dated October 20, 1972.

<sup>16</sup> The well is depleted. Total sales of gas since 1975 amounted to only 1,615 Mcf. Last sales were in July, 1979.

<sup>17</sup> Applicant is filing under Gas Purchase Contract dated April 19, 1982.

<sup>18</sup> Applicant is willing and able to render the proposed service and to conform to the provisions of the Natural Gas Act, the National Gas Policy Act and the Commission's rules and regulations thereunder.

<sup>19</sup> Applicant is filing under Gas Purchase Contract dated May 18, 1982.

<sup>20</sup> Effective as of December 31, 1981, Applicant acquired all of the The Kemmerer Coal Company's interest in properties.

<sup>21</sup> Applicant is filing under Contract dated October 12, 1977, as amended.

<sup>22</sup> Applicant is filing under Contract dated October 1, 1976, as amended.

<sup>23</sup> Applicant is filing under Contract dated November 13, 1974, as amended.

<sup>24</sup> Applicant is filing under Gas Purchase Contract dated May 24, 1982.

<sup>25</sup> Applicant is filing under Rollover Gas Purchase Contract dated January 20, 1982.

<sup>26</sup> Applicant is filing under Gas Purchase Contract dated December 1, 1981.

<sup>27</sup> Gas well depleted.

<sup>28</sup> Texas Gas, purchaser under the gas purchase contract (Rate Schedule #205), as a result of a judgment in the case of *Rudd v. Texas Gas*, Civil Action No. 79-CI-170, has acquired a portion of the lease acreage dedicated to the contract as a part of its Midland Gas Storage Field.

Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[FR Doc. 82-17825 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-4-001 (PGA82-2, IPR82-2)]

**Granite State Gas Transmission;  
Revised Proposed Changes in Rates  
Pursuant To Purchase Gas Cost  
Adjustment Provisions**

June 24, 1982.

Take notice that on June 15, 1982, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing Substitute First Revised Sheet No. 7 in its FERC Gas Tariff, First Revised Volume No. 1, containing revised proposed changes in rates for effectiveness on July 1, 1982.

Granite State states that, on May 28, 1982, it filed First Revised Sheet No. 7 in its FERC Gas Tariff, First Revised Volume No. 1 containing a purchase gas cost adjustment to reflect an increase in its cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which Tennessee proposed to make effective on July 1, 1982 and to reflect the amortization of Unrecovered Purchased Gas Costs. According to Granite State, the instant filing is made to correct for a lower rate on its purchases from Tennessee, effective July 1, 1982, and for an error in the determination of the surcharge for the amortization of Unrecovered Purchased Gas Costs and related carrying charges to be applicable as of July 1, 1982.

Granite State further states that its rate adjustments are applicable to its wholesale sales to its two affiliated distribution company customers: Bay State Gas Company and Northern Utilities, Inc. According to Granite State, the effect of the proposed rates in its filing is an increase of approximately \$13,614,834 annually, based on purchases and sales for the twelve months ended March 31, 1982.

Granite State requests waiver of the notice provisions of the Commission's Regulations, pursuant to Section 154.51 thereof, and waiver of any other applicable provision of the Regulations, in order to permit the revised rate changes on Substitute First Revised Sheet No. 7 to become effective on July 1, 1982.

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections

1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,  
Secretary.**

[FR Doc. 82-17826 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

**[Project No. 2597-001]**

**The Hartford Electric Light Co. and the  
Connecticut Light and Power Co.;  
Notice of Application for Transfer of  
Major License**

June 28, 1982.

Public notice is hereby given that an application was filed on June 14, 1982, under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r), by The Hartford Electric Light Company (Licensee) and The Connecticut Light and Power Company (Transferee) for transfer of the major license for the Falls Village Project No. 2597. The project is located on the Housatonic River in the town of Falls Village, Litchfield County, Connecticut. Correspondence should be directed to: Mr. William G. Council, Senior Vice-President, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut 06101.

The Falls Village Project consists of an existing dam, reservoir, canal works, penstocks and a powerhouse. No changes to the operation of the project would occur as a result of the transfer.

Transferee has proposed to operate the project in accordance with the license. Transfer of the project was necessary as part of a proposed corporate merger between Licensee and Transferee.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a

party to the proceeding. To become a party or to participate in any hearings, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 16, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

**Kenneth F. Plumb,  
Secretary.**

[FR Doc. 82-17819 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

**[Project No. 2485-004]**

**The Hartford Electric Light Co. et al.;  
Notice of Application For Transfer of  
Major License Interest**

June 28, 1982.

Public notice is hereby given that an application was filed on June 14, 1982, under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r), by The Hartford Electric Light Company (HELCO), joint Licensee, and The Connecticut Light and Power Company (CL&P), Transferee; for transfer of major license interest in the Northfield Mountain Pumped Storage Project No. 2485. The project is located on the east bank of the Connecticut River in Franklin County, Massachusetts. Correspondence should be directed to: Mr. W. G. Council, Senior Vice President, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut 06101 and Robert P. Wax, Esq., Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut 06101.

Since 1966, CL&P and HELCO have been wholly-owned operating subsidiaries of Northeast Utilities (NU). The license for Project No. 2485 is presently jointly held by HELCO, CL&P and Western Massachusetts Electric Company (WMECO), another wholly-owned subsidiary of NU. Therefore, with the transfer of HELCO's interest in the license to CL&P, WMECO and CL&P will be the joint licensees for the project.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments

filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearings, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before Aug. 16, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17820 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5113-001]

**Homestake Consulting and Investments, Inc.; Notice of Surrender of Preliminary Permit**

June 25, 1982.

Take notice that Homestake Consulting and Investments, Inc., Permittee for the proposed Canyon Creek Hydroelectric Project No. 5113, has requested that its preliminary permit be terminated. The permit was issued on February 1, 1982, and would have expired July 31, 1983. The project would have been located on the Canyon Creek in Bonner County, Idaho.

The Permittee filed its request on June 1, 1982, and the surrender of the preliminary permit for Project No. 5113 is deemed accepted as of the date of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17834 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5469-001]

**Homestake Consulting and Investments, Inc.; Notice of Surrender of Preliminary Permit**

June 25, 1982.

Take notice that Homestake Consulting and Investments, Inc., Permittee for the proposed Steep Creek Hydroelectric Project No. 5469, has requested that its preliminary permit be terminated. The permit was issued on February 19, 1982, and would have expired July 31, 1983. The project would have been located on the Steep Creep Creek in Lincoln County, Montana.

The Permittee filed its request on June 1, 1982, and the surrender of the preliminary permit for Project No. 5469

is deemed accepted as of the date of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17835 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5508-001]

**Homestake Consulting and Investments, Inc.; Notice of Surrender of Preliminary Permit**

June 25, 1982.

Take notice that Homestake Consulting and Investments, Inc. (Homestake), Permittee for the proposed Twin Creek Hydroelectric Project No. 5508, has requested that its preliminary permit be terminated. The permit was issued on April 16, 1982, and would have expired September 30, 1983. The project would have been located on Twin Creek near Troy, in Lincoln County, Montana. Homestake states that the site has been determined unfeasible for hydroelectric development and will not require further study.

Homestake filed its request on June 1, 1982, and the surrender of its permit for Project No. 5508 is deemed effective as of the date of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17836 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5491-001]

**Homestake Consulting and Investments, Inc.; Surrender of Preliminary Permit**

June 25, 1982.

Take notice that Homestake Consulting and Investments, Inc. (Homestake), Permittee for the proposed Cadette Creek Hydroelectric Project No. 5491, has requested that its preliminary permit be terminated. The permit was issued on February 5, 1982, and would have expired July 31, 1983. The project would have been located on Cadette Creek near Eureka, in Lincoln County, Montana. Homestake states that the site has been determined unfeasible for hydroelectric development and will not require further study.

Homestake filed its request on June 1, 1982, and the surrender of its permit for Project No. 5491 is deemed effective as of the date of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17837 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5490-000]

**Homestake Consulting and Investments, Inc.; Surrender of Preliminary Permit**

June 25, 1982.

Take notice that Homestake Consulting and Investments, Inc. (HCI), Permittee for the proposed Red Top Creek Waterpower Project No. 5490, has requested that its preliminary permit be terminated. The permit was issued on February 19, 1982, and would have expired July 31, 1983. The project would have been located on Red Top Creek near Troy, in Lincoln County, Montana. HCI stated that the site is not feasible for hydroelectric development.

HCI filed its request on June 1, 1982, and the surrender of its permit for Project No. 5490 is deemed effective as of the date of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17838 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5483-001]

**Homestake Consulting and Investments, Inc.; Surrender of Preliminary Permit**

June 25, 1982.

Take notice that Homestake Consulting and Investments, Inc., Permittee for the proposed Flat Creek Hydroelectric Project No. 5483, has requested that its preliminary permit be terminated. The permit was issued on March 26, 1982, and would have expired August 31, 1983. The project would have been located on the Flat Creek in Lincoln County, Montana.

The Permittee filed its request on June 1, 1982, and the surrender of the preliminary permit for Project No. 5483 is deemed accepted as of the date of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17840 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5484-001]

**Homestake Consulting and Investments, Inc.; Surrender of Preliminary Permit**

June 25, 1982.

Take notice that Homestake Consulting and Investments, Inc. (Homestake), Permittee for the proposed Sutton Creek Hydroelectric Project No. 5484, has requested that its preliminary permit be terminated. The Preliminary

Permit was issued on March 31, 1982, and would have expired on August 31, 1983. The project would have been located on Sutton Creek near Eureka in Lincoln County, Montana. Homestake states that the site has been determined unfeasible for hydroelectric development and will not require further study.

Homestake filed its request on June 1, 1982, and the surrender of its permit for Project No. 5484 is deemed effective as of the date of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17841 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6293-000]

**Horseshoe Bar Hydro Associates;  
Notice of Application for Exemption  
for Small Hydroelectric Power Project  
Under 5 MW Capacity**

June 28, 1982.

Take notice that on May 4, 1982, Horseshoe Bar Hydro Associates (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6293) would be located on the Middle Fork of the American River in Placer County, California. Correspondence with the Applicant should be directed to: Mr. David C. Auslum, Jr., Auslum and Associates, Inc., 601 University Avenue, Suite 288, Sacramento, California 95825.

**Project Description**—The proposed project would consist of: (1) a 6-foot-high overflow spillway structure with crest elevation 1,041 feet; (2) an existing tunnel about 193 feet long; (3) a powerhouse containing a turbine generator with 3.5-MW capacity and 15.9 GWh annual energy output; and (4) a switchyard adjacent to the powerhouse. The Applicant anticipates that the Pacific Gas and Electric Company will purchase project output and will take delivery at the switchyard.

**Purpose of Exemption**—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

**Agency Comments**—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are

requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Competing Application**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 13, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 13, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS,"

"NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17821 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6329-000]

**Intermountain Power Corp.; Notice of  
Application for Exemption for Small  
Hydroelectric Power Project Under 5  
MW Capacity**

June 28, 1982.

Take notice that on May 13, 1982, Intermountain Power Corporation (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6329) would be located on South Fork of the Payette River in Boise County, Idaho. Correspondence with the Applicant should be directed to: Mr. Marc A. Auth, President, 4882 Leather Way, Boise, Idaho 83704.

**Project Description**—The proposed project would consist of: (1) a 70-foot-long, 6-foot-high diversion structure; (2) a 45-foot-wide, 5-foot-high intake structure; (3) a 1,200-foot-long, 12-foot-diameter penstock; (4) a powerhouse containing two generating units with a total installed capacity of 2,980 kW; and (5) a 2,000-foot-long, 34.5-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 12.3 GWh. The project is located entirely on Federal lands within the Boise National Forest.

**Purpose of Exemption**—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption for licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

**Agency Comments**—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Competing Application**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 7, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10

(1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before September 7, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17800 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

#### [Project No. 6396-000]

#### Lawrence J. McMurtrey; Application for Preliminary Permit

June 28, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on June 2, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 6392 to be known as the Boardman Creek Project located on Boardman Creek in Snohomish County, near Darrington, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122 196th N.E., Redmond, Washington 98052.

**Project Description**—The proposed project would consist of: (1) two intake structures; (2) 9,000 feet of 24-inch-diameter combination pipeline/penstock; (3) a powerhouse with a proposed rated capacity of 1.46 MW

operating under a head of 737 feet; and (4) an 11-mile-long, 115-kV transmission line. The estimated average annual energy production is 7.7 GWhs. The project would be located in Snoqualmie-Mt. Baker National Forest.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 7, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 C.F.R. § 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before September 7, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 C.F.R. § 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than November 8, 1982.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must

be received on or before September 7, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17801 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

**[Docket TA82-2-48-002]**

**Michigan Wisconsin Pipe Line Co.; Proposed Changes in F.E.R.C. Gas Tariff**

June 25, 1982.

Take notice that on June 11, 1982, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Third Substitute Second Revised Sheet No. 41 and Second Substitute Third Revised Sheet No. 41 to its F.E.R.C. Gas Tariff, Original Volume No. 1.

These tariff sheets reflect revisions to Section 15.1 of the General Terms and Conditions of Michigan Wisconsin's F.E.R.C. Gas Tariff to provide that actual costs associated with non-concurrent exchange transactions be included in the calculation of the Unrecovered Purchased Gas Cost Account.

Michigan Wisconsin further states that it requests a waiver of the requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit this filing of Third Substitute Second Revised Sheet No. 41 and Second Substitute Third Revised Sheet No. 41 to be effective May 1, 1981 and May 31, 1981, respectively.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17842 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

**[Project No. 3931-001]**

**Milton-Freewater Light & Power and Oregon Public Power Agency; Surrender of Preliminary Permit**

June 28, 1982.

Take notice that Milton-Freewater Light & Power and Oregon Public Power Agency (Milton-Freewater), Permittees for the South Fork Walla Walla River Project No. 3931, have requested that their preliminary permit be terminated. The permit was issued on May 29, 1981, and would have expired on May 1, 1984. The project would have been located on South Fork Walla Walla River in Umatilla County, Oregon. Milton-Freewater states that the project is not feasible. Milton-Freewater filed the request on June 11, 1982, and the surrender of the permit for Project No. 3931 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17818 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

**[Docket No. ER81-764-000]**

**Minnesota Power and Light Co.; Order Granting Motion To Bill Customers Under Proposed Settlement Contracts in Lieu of Filed Contracts**

Issued: June 24, 1982.

On May 26, 1981, Minnesota Power and Light Company (MP&L) filed a motion seeking Commission authorization to bill two of its customers, the Cities of Hibbing and Virginia, Minnesota (Hibbing and Virginia) according to settlement contracts, in lieu of the contracts originally filed in this proceeding. MP&L seeks permission to bill under the settlement contracts, subject to refund,

as of June 7, 1982, until such time as a Commission order approving the applicable settlement agreement becomes final and non-appealable. MP&L states that it has contacted counsel for Hibbing and Virginia and is authorized to state that they do not oppose this motion. For the reasons stated below, we shall grant the motion.

MP&L tendered its originally filed rates in this docket on September 15, 1981. By order issued November 13, 1981, the Commission, *inter alia*, accepted for filing the proposed contracts for service to Hibbing and Virginia, suspended the rates for one day to become effective on November 16, 1981, and ordered a hearing to be convened.

By order of February 4, 1982, the presiding administrative law judge divided the proceeding into two phases. In the first phase, all issues raised by MP&L's proposed contracts with Hibbing and Virginia were to be addressed. All other issues were reserved for the second phase.

Settlement negotiations among the parties with respect to the contracts have since resulted in a Settlement Agreement containing revised contracts for service to Hibbing and Virginia. The Settlement Agreement was filed on May 26, 1982.

MP&L's motion would make the settlement provisions available immediately and would minimize MP&L's potential refund liability in the event the Settlement Agreement is approved. MP&L states that the Settlement Agreement provides that the implementation of the settlement contract before approval of the Settlement Agreement, and the revenue level which the settlement contracts produce will not prejudice any party's right with respect to the contracts and corresponding revenue level ultimately found to be just and reasonable in this proceeding. Hibbing and Virginia would be entitled to refunds if the settlement contracts produce revenues in excess of the revenues which would have been produced from the contracts ultimately found to be just and reasonable, and MP&L would be entitled to collect revenues in excess of those collected under the settlement contracts (up to the level which would have been collected under the contracts as originally filed) if the contracts ultimately found to be just and reasonable would have produced revenues in excess of those collected under the Settlement Agreement. MP&L states that Hibbing and Virginia do not oppose the motion. Under the circumstances, we believe the public interest will be served by granting MP&L's motion.



Pursuant to section 35.1(e), 35.11, and 35.17(b) of the Commission's regulations, we find that good cause exists to permit MP&L to bill Hibbing and Virginia under the settlement contracts, subject to refund, as of June 7, 1982, until such time as the Commission acts upon the settlement agreement filed by MP&L on May 26, 1982. This order shall be without prejudice to our subsequent determination on the merits of the proposed settlement.

*The Commission orders:*

(A) The motion filed by MP&L on May 26, 1982, requesting permission to bill Hibbing and Virginia under the settlement contracts in lieu of the contracts originally filed in this proceeding is hereby granted.

(B) Good cause having been shown, MP&L is hereby authorized, pursuant to sections 35.1(e), 35.11, and 35.17(b) of the Commission's regulations to bill Hibbing

and Virginia under the settlement contracts, subject to refund, from June 7, 1982, until final Commission action on the settlement. The rights of the parties shall be reserved as provided for in MP&L's motion.

(C) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 82-17822 Filed 6-30-82; 8:45 am]

**BILLING CODE 6717-01-M**

**[Docket No. CP82-355-000]**

**Natural Gas Pipeline Company of America; Notice of Application**

June 25, 1982.

Take notice that on June 1, 1982, Natural Gas Pipeline Company of

America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP82-355-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate authorizing changes in service to certain of its existing customers and the construction and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that its total firm service obligation is presently 3,496,028 Mcf of natural gas per day. Applicant proposes to make available to certain of its customers a total additional firm daily contract quantity (DCQ) of 157,799 Mcf of gas. It is stated that the proposed DCQ changes would be as set forth in the following table:

**SUMMARY OF REQUESTED CHANGES IN DAILY CONTRACT QUANTITY**

[1,000 ft<sup>3</sup> at 14.65 lb/in.<sup>2</sup> and 1,000 Btu/lb/ft<sup>3</sup>]

Customer	Existing daily contract quantity		Re-requested change	Revised daily contract quantity	
	DMQ-1	G-1		DMQ-1	G-1
Brighton, Iowa		439	51		490
Central Illinois Public Service Company		3,648	1,252		4,900
Corning Municipal Utilities		1,850	1,150		3,000
Entex, Inc.		1,850	123,150	125,000	
Findlay, Illinois		691	59		750
Frohna, Missouri		400	100		500
Grand Tower, Ill.		364	66		430
Interstate Power Co.	44,272		24,000	68,272	
Iowa Power and Light Co.	20,038		(1,638)	18,400	
Kaskaskia Gas Co.		1,600	400		2,000
Lenox, Iowa		2,055	1,010		3,065
Missouri Utilities Co.		3,782	218		4,000
Nashville, Illinois		2,460	340		2,800
Osage Natural Gas Co.		540	100		640
Perryville, Mo.		3,575	700		4,275
Pinckneyville, Ill.		3,010	490		3,500
Salem, Ill.		5,000	2,000	7,000	
Spearsville, Kans.		378	150		528
Sullivan, Ill.	3,074		1,926		5,000
Wilson Gas Service Co., Inc.		750	250		1,000
Total Jurisdictional			155,774		
Phillips Petroleum Co.		25,741		2,000	27,741
Northern Gravel Co.		100		25	125
Total direct				2,025	
Total jurisdictional and direct				157,799	

It is stated that in order to accomplish the proposed changes in service, Applicant proposes to construct and operate at a cost of approximately \$13,568,000 the following facilities:

(a) 5.05 miles of 36-inch diameter pipeline loop on Applicant's Louisiana pipeline;

(b) 17 miles of 10-inch diameter pipeline to connect a proposed new point of delivery to Applicant's Louisiana line;

(c) 1.5 miles of 6-inch diameter

pipeline to connect a proposed new point of delivery to Applicant's Gulf Coast line;

(d) .78 mile of 6-inch diameter pipeline to connect a proposed new point of delivery to Applicant's, Gulf Coast line;

(e) tap connections and metering facilities at both new and existing points of delivery; and

(f) other appurtenant facilities.

Applicant states that its facilities proposal assumes Commission

certification of 45.54 miles of 36-inch pipeline loop on its Louisiana line which it has proposed to construct and operate in Docket Nos. CP82-50-000 and CP82-293-000. The cost of the proposed facilities would be financed from general corporate funds, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a



protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17802 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP81-364-005]**

**Natural Gas Pipeline Company of America; Notice of Petition To Amend**

June 24, 1982.

Take notice that on May 28, 1982, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-364-005 a petition to amend the order issued October 27, 1981, in Docket No. CP81-364 pursuant to section 7(c) of the Natural Gas Act so as to authorize the extension of the period of the sale for resale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the petition to amend which is on file with

the Commission and open to public inspection.

It is stated that by order issued October 27, 1981, in the instant docket, Petitioner was authorized to sell on a best-efforts basis up to 8,000,000 Mcf of natural gas to Texas Eastern for a term of 363 days commencing on the date of initial deliveries. It is further stated that Petitioner and Texas Eastern executed an amendment to their gas sales agreement dated May 29, 1981, extending the term of the sale in order to sell 20,000,000 Mcf for the period of extension.

Pursuant to said amendment, Petitioner hereby requests authorization for the sale for resale and transportation for an additional period of 363 days commencing upon the earlier of (1) October 28, 1982, the expiration date of the existing authorization, or (2) the date upon which Petitioner has sold 18,000,000 Mcf of natural gas to Texas Eastern under the October 27, 1981, order. In addition, Petitioner requests authorization to abandon the sale for resale upon the termination of the sale as extended.

It is stated that daily delivery volumes are estimated at 100 billion Btu of natural gas per day but that Petitioner anticipates varying the daily delivery volumes to accommodate operational needs. Petitioner states that its gas supply is sufficient to extend the term of the sale to Texas Eastern without impairing or reducing service to its present customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17827 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP81-377-002]**

**Northern Natural Gas Company, Division of InterNorth, Inc.; Petition To Amend**

June 25, 1982.

Take notice that on June 11, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-377-002 a petition to amend the order issued October 27, 1981, in Docket No. CP81-377-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the extension of the term of its sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) through October 31, 1983, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued October 27, 1981, Petitioner was authorized to sell up to 18,000,000 Mcf of natural gas per year to Texas Eastern for a one-year term commencing with the date of initial delivery, October 30, 1981.

It is asserted that pursuant to a gas sales agreement dated June 1, 1981, performance under this agreement would continue in full force and effect through October 31, 1983. Hence Petitioner requests herein authorization extending the sale of natural gas to Texas Eastern to October 31, 1983. Petitioner proposes such extension to continue to aid it in selling gas which is excess to its system requirements and subject to take-or-pay payments.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17803 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP82-372-000]**

**Ohio River Pipeline Corp.; Notice of Application**

June 25, 1982.

Take notice that on June 10, 1982, Ohio River Pipeline Corporation (Applicant), 1630 North Meridian Street, Indianapolis, Indiana 46202, filed in Docket No. CP82-372-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Ohio River Gas Company, Inc. (ORG) and to abandon and transfer to the City of Carrollton, Kentucky (Carrollton), certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to abandon sales of natural gas to ORG, an Indiana corporation engaged in the business of rendering gas utility service in Trimble and Carroll Counties, Kentucky. It is asserted that ORG has agreed to sell all its gas utility properties to Carrollton.

Applicant states that after the sale Carrollton would render natural gas service to those areas and customers now being served by ORG. It is explained that Applicant would transfer to Carrollton one Rockwell 6-inch turbo meter, two 2-inch Fisher regulators, and one 3-inch relief Grove valve and associated piping. Applicant would also transfer to Carrollton a cathodic protection rectifier station and its right to purchase from Texas Gas Transmission Corporation 600 Mcf of natural gas per day.

It is therefore stated that the areas currently being served by ORG would thereafter be served by Carrollton.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 17804 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP82-109-000]**

**Pacific Gas Transmission Co.; Change to Exhibit "A" of Executed Service Agreement With Pacific Gas and Electric Company and Request for Expedited Consideration**

June 25, 1982.

Take notice that on June 17, 1982 Pacific Gas Transmission Company tendered for filing a "Notice of Change to Exhibit "A" of Executed Service Agreement with Pacific Gas and Electric Company and Request for Expedited Consideration."

PGT states that it has entered into an agreement with its customer, Pacific Gas and Electric Company to revise Exhibit "A" of the service agreement between the two companies. The proposed Fifth Revision of Exhibit "A" continues the reduction of the Daily Contract Quantity from 980 MMcf to 845 MMcf, and the Maximum Daily Demand from 1,066 MMcf to 922 MMcf for the contract years commencing July 1, 1982 through June 30, 1984. The Federal Energy Regulatory Commission had previously authorized a similar reduction of the Daily Contract Quantity and Maximum Daily Demand for the period July 1, 1980 through June 30, 1982.

PGT states that the Revision to Exhibit "A" tracks an Agreement, dated June 2, 1982, that PGT has executed with its Canadian supplier of natural gas, Alberta and Southern Gas Co., Ltd. Under that Agreement, Alberta and Southern has agreed to reduce PGT's minimum purchase obligation by fifteen percent for the contract years commencing July 1, 1982 through June 30, 1984. The Agreement has been submitted to the Economic Regulatory Administration.

PGT states that there is considerable benefit to PG and E in terms of the continued additional flexibility in determining the quantity of gas that will be purchased from Canada. PGT has requested that the Commission waive its notice requirements to allow the proposed Fifth Revision to Exhibit "A" to be made effective on July 1, 1982.

PGT advises that copies of its filing have been mailed to its customers and to interested state commissions.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC, 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 6, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17843 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. GP82-40-000]**

**Phillips Petroleum Co.; Notice of Petition to Reopen and Vacate Well Category Determination**

Issued: June 24, 1982.

On May 20, 1982, Phillips Petroleum Company (Phillips) 336 Home Savings & Loan Building, Bartlesville, Oklahoma 74004 filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen well category determinations for twenty-four wells (identified in appendix hereto) pursuant to the Commission's authority under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. §§ 3301-3432 (Supp. IV 1980).

Phillips is the operator of all of the wells listed in the petition and owns either all or part of the working interest in each well.

As grounds for its request to reopen and vacate the well category determinations made under NGPA section 108, Phillips states that an "inaccurate 'allowable' method for determination of compliance with the permissible crude oil and gas production limits under section 271.803(b), (c) and (d) of the Commission's regulations was used in qualifying the wells for stripper status."

With respect to the questions of refunds arising out of Phillips' request to reopen and vacate well category determinations, notice is hereby given that whether refunds will be required is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to protest this petition should file, within 30 days after publication of this notice in the *Federal Register*, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a protest or a petition to intervene in accordance with § 1.8 or § 1.10 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

## APPENDIX

Well name and number	Jurisdictional agency docket No.	FERC JD control No.
1. GS Andector Unit B-4.....	F-08-034403.....	80-38936
2. GS Andector Unit A-5.....	F-08-017418.....	80-56897
3. GS Andector Unit A-11.....	F-08-029295.....	81-18228
4. GS Andector Unit P-13L.....	F-08-030677.....	82-10572
5. TXL A #2C.....	F-08-026236.....	81-10783
6. Alma #3.....	F-08-003837.....	80-28482
7. Alma #5.....	F-08-015430.....	80-54400
8. TXL P #3.....	F-08-004595.....	80-16484
9. Millard C-1.....	F-08-012651.....	80-28969
10. Santa Fe #7.....	F-08-1.....	78-21744
11. Klob B #9.....	F-08-013962.....	80-37745
12. Klob B #10.....	F-08-012653.....	80-28970
13. Weatherby A #6.....	F-7C-026923.....	81-12057
14. Weatherby A #4.....	F-7C-037661.....	81-44379
15. GS Andector Unit F-15.....	F-08-017282.....	80-56869
16. GS Andector Unit T-14.....	F-08-039552.....	81-49667
17. GS Andector Unit H-17.....	F-08-003637.....	80-22234
18. GS Andector Unit E-13.....	F-08-003647.....	80-16378
19. GS Andector Unit H-19.....	F-08-003682.....	80-31526
20. GS Andector Unit H-01.....	F-08-021090.....	81-10503
21. Claruth #2.....	F-08-013963.....	80-45657
22. Embar #53.....	F-08-033119.....	82-18555
23. Rogers D #6.....	F-10-025004.....	81-09243
24. Loesch A #5.....	F-08-1.....	80-04392

<sup>1</sup>Not available.

The Goldsmith Andector Unit Wells P-13L, F-15 and H-19 (lines 4, 15 and 19

above) do not qualify due to excessive gas production. The remainder fail to qualify due to excessive oil production.

[FR Doc. 82-17805 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-104-000]

**Public Service Company of Colorado;  
Order Granting Motion To Collect  
Interim Rates Pending Commission  
Action on Settlement Proposal**

Issued: June 24, 1982.

On May 26, 1982, Public Service Company of Colorado (PSC) filed a motion seeking Commission authorization to impose reduced interim rates in lieu of the rates originally filed in this docket. PSC seeks permission to collect the reduced rates, subject to refund, as of June 18, 1982, the date on which the originally filed rates would otherwise become effective following suspension. PSC states that the motion has been filed at the suggestion of its customers and that all of the affected customers join in the company's request. For the reasons stated below, we shall grant the motion.

PSC tendered its originally proposed rates for filing on November 18, 1981. By order issued on January 15, 1982, the Commission, *inter alia*, accepted the proposed rates for filing, suspended their effectiveness until June 18, 1982, and ordered a hearing to be convened. Settlement negotiations among the parties have since resulted in a settlement in principle and PSC indicates that a formal settlement agreement will be filed on or before June 18, 1982.

PSC's motion is designed to make the lower settlement rates immediately available and to minimize the company's potential refund liability. In addition, the motion requests that if the Commission ultimately rejects the settlement, PSC be authorized to collect the originally filed rates immediately thereafter, subject to refund. If the settlement is not approved and the rates ultimately determined to be just and reasonable exceed the settlement rates, PSC seeks authorization to collect, over the succeeding six month period, the difference between the approved rates and the settlement rates retroactive to June 18, 1982. PSC states that its customers unanimously concur in this aspect of the motion. Under the circumstances, we believe that the public interest will be served by granting PSC's motion.

Pursuant to sections 35.1(e), 35.11, and 35.17(b) of the Commission's regulations, we find that good cause exists to permit

the collection of the revised interim rates, subject to refund, as of June 10, 1982, until such time as the Commission acts upon the settlement agreement to be filed by PSC. This order, however, shall be without prejudice to our subsequent determination on the merits of the proposed settlement.

**The Commission Orders:**

(A) The motion filed by PSC on May 26, 1982, requesting permission to collect reduced interim rates in lieu of the rates originally filed in this proceeding is hereby granted.

(B) Good cause having been shown, PSC is hereby authorized, pursuant to sections 35.1(e), 35.11, and 35.17(b) of the Commission's regulations, to collect, subject to refund, the revised rates reflected in its motion from June 18, 1982, until final commission action on the settlement. In the event that the settlement is not approved, the provisions of PSC's motion shall apply as to rates for the interim period.

(C) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17823 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6287-000]

**Rainsong Co.; Notice of Application  
for Exemption for Small Hydroelectric  
Power Project Under 5 MW Capacity**

June 28, 1982.

Take notice that on May 3, 1982, Rainsong Company (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6287) would be located on Lena Creek, a tributary of the Hamma Hamma River in Jefferson County, Washington. Correspondence with the Applicant should be directed to: Mr. William L. Devine, P.O. Box 68, Maple Falls, Washington 98266.

**Project Description**—The proposed project would consist of: (1) a 50-foot-long, 5-foot-high diversion structure; (2) a 5,000-foot-long, 36-inch-diameter pipeline/penstock; (3) a powerhouse containing one generating unit with a rated capacity of 5 MW; and (4) a 32,000-foot-long, 115-kV transmission line from the powerhouse to an existing

transmission line. The Applicant estimates that the average annual energy production would be 24 million kWh. The project is located within the boundaries of Olympic National Forest.

**Purpose of Exemption**—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

**Agency Comments**—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, the Washington Department of Fisheries and the Washington Department of Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none.

Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Competing Application**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 13, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 13, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-17824 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP80-102-012, et al.]

### Southern Natural Gas Company, et al.; Filing of Pipeline Refund Reports and Refund Plans

June 23, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 7, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

#### APPENDIX

Filing date	Company	Docket no.	Type filing
May 26, 1982	Southern Natural Gas Company	RP80-102-012	Report.
Do	Transwestern Pipeline Company	RP78-88-011	Report.
May 27, 1982	Natural Gas Pipe Line Company of America	RP73-110-005	Report.
June 7, 1982	Transcontinental Gas Pipe Line Corporation	RP81-125-033	LFUT report.
June 9, 1982	Columbia Gas Transmission Corporation	TA80-1-21-006	Report.
June 14, 1982	Cities Service Gas Company	RP81-127-004	LFUT report.
Do	Tennessee Gas Pipeline Company	RP80-97-010	Report.
June 15, 1982	Mississippi River Transmission Company	RP81-129-005	LFUT report.
Do	Mississippi River Transmission Company	RP81-129-006	LFUT report.
Do	Sea Robin Pipeline Company	RP81-116-008	LFUT report.
Do	Texas Eastern Transmission Corporation	RP81-121-003	LFUT report.
Do	Transwestern Pipeline Company	RP82-24-004	LFUT report.
Do	United Gas Pipe Line Company	RP81-115-008	LFUT report.

[FR Doc. 82-17824 Filed 6-30-82; 9:45am]

BILLING CODE 6717-01-M

[Docket No. CP82-361-000]

**Tennessee Gas Pipeline Co., a Division of Tenneco Inc., East Tennessee Natural Gas Co.; Notice of Application**

June 25, 1982.

Take notice that on June 4, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and East Tennessee Natural Gas Company (East Tennessee), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP82-361-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas for the account of Houston Lighting & Power Company (HL&P), all of as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to transport and exchange up to 100,000 Mcf of natural gas per day that East Tennessee has arranged to sell to HL&P. It is stated that assuming that service would commence June 15, 1982, Tennessee would be requested to deliver up to 10,850,000 Mcf to Channel Industries Gas Company (Channel) for HL&P on behalf of East Tennessee during the period ending October 31, 1982, based on peak day volumes of 100,000 Mcf for the period from June 15, 1982, through August 31, 1982, and 50,000 Mcf through September and October 1982. It is asserted that Tennessee cannot estimate average daily and monthly quantities because it cannot predict purchase quantities by HL&P. It is asserted that East Tennessee has agreed that it would not request Tennessee to deliver any gas which, if so used by HL&P, would exceed the volumetric limitations imposed on such use of natural gas by the Power Plant and Industrial Fuel Use Act of 1978, unless appropriate waivers are obtained.

Applicants assert that Tennessee would receive gas to be sold to HL&P at a point of interconnection between Applicants in Robertson County, Tennessee, for delivery to Channel for East Tennessee's account, at a point of interconnection between Tennessee and Channel in Newton County, Texas. It is stated that Channel would transport such gas for delivery to Energy Gathering, Inc. (EGI) in Chambers County, Texas. EGI, it is asserted, would then deliver the gas to HL&P; but if it became unnecessary for EGI to transport East Tennessee's gas,

deliveries would be made directly from Channel to HL&P.

It is asserted that in return for the service described above, East Tennessee would transport and exchange with Tennessee identical volumes of natural gas purchased from producers in Tennessee. It is, therefore, asserted that the proposed service by both Tennessee and East Tennessee would be rendered on a no fee, exchange basis.

It is stated that the proposed sales price of the gas to be transported to HL&P currently includes a base price of gas of \$3.28 per million Btu, plus a transportation fee of 10.39 cents per million Btu for Channel, plus a transportation fee of 3.0 cents per million Btu for EGI, for a total of \$3.4139 per million Btu, plus a "brokering" fee for Experanza Gas Company of 5.0 cents per Mcf. The price of the gas sold by East Tennessee is its AOS-1 rate, which is a 100 percent load factor rate, it is explained.

In order to allow the necessary flexibility in expeditiously transporting and exchanging Tennessee's future gas supplies, East Tennessee requests blanket authorization to transportation and exchange such supplies as they become available. It is stated that East Tennessee would promptly notify the Commission each time an additional delivery point into East Tennessee's system under the transportation and exchange agreement is placed in service.

It is asserted that the proposed service, with its potential for reducing the use of imported oil to fuel electric and/or steam boilers, would be in the public interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act

and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if not petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-17806 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-369-000]

**Transcontinental Gas Pipe Line Corp. and Consolidated Gas Supply Corp.; Notice of Application**

June 25, 1982.

Take notice that on June 8, 1982, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251 and Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP-82-369-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in the offshore Louisiana area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose herein to construct and operate in the South Timbalier area, offshore Louisiana, 5.15 miles of 12-inch pipeline extending from the connection with Trunkline Gas Company (Trunkline) in Block 179 to the A platform in Block 185, of which Transco would own 75 percent and Consolidated would own 25 percent and 2.50 miles of 12-inch pipeline extending from the A platform to the B platform in Block 185, of which Transco would own 72.67 percent and Consolidated would own 27.33 percent.

It is stated that the maximum capability of the existing and proposed loop facilities would be 80,000 Mcf per day flowing from the B and A platforms in Block 185 to the Trunkline connection in Block 179. Applicant further asserts

that the remaining recoverable reserves total 71,211,000 Mcf of gas with related average day deliverability of 56,723 Mcf in 1983.

It is asserted that the cost of the facilities proposed herein would be approximately \$9,706,300. It is explained that Transco's share of the proposed facilities would be financed initially through revolving credit arrangements, short-term loans or funds on hand, with permanent financing to be undertaken as a part of Transco's overall long-term financing programs at later dates, and that Consolidated's share would be financed from funds to be obtained from its parent, Consolidated Natural Gas Company, or from funds on hand.

It is asserted that the proposed facilities would enable Applicants to receive and transport considerably greater volumes of gas than had originally been estimated and thus avoid take-or-pay problems.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 82-17807 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP82-363-000]

### Transcontinental Gas Pipe Line Corp.; Notice of Application

June 25, 1982.

Take notice that on June 7, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77151, filed in Docket No. CP82-363-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to be contracted hereafter, the transportation where required to implement such sales and the construction and operation of certain facilities required to deliver such gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that because of the unexpected high rates of deliverability of offshore wells from which Applicant is purchasing gas and the continued increase in the cost of natural gas coincident with an unexpected and sharp softening in prices for petroleum products, Applicant has had approximately 300,000 Mcf per day of gas shut-in during the last twelve months. Therefore, in order to reduce substantial take-or-pay obligations, it is explained, Applicant requests authority herein to sell up to 200,000,000 Mcf of natural gas for a two-year period on an interruptible and limited-term basis.

It is proposed that the price to be paid by purchasers for gas sold under the certificate be set at individually negotiated levels, but for each month of such a sale at no less than the greater of the then current Section 102 rate under the Natural Gas Policy Act of 1978 or Applicant's then average cost of purchased gas included in its most recent Purchased Gas Adjustment (PGA) policy.

Applicant proposes to refund to its customers all revenues received from off-system sales made hereunder in excess of the product of the volume of such sales times Applicant's then average cost of purchased gas included in its most recent PGA filing, plus any out-of-pocket expenses, including cost of fuel, related to such sales which are included in Applicant's price of off-system gas. Such refund, it is asserted,

would be accomplished by crediting such excess revenues to Applicant's Account No. 191—Unrecovered Purchased Gas Costs.

Applicant further proposes to notify the Commission as soon as possible after a contract is executed for a sale made hereunder, but in no case later than ten days after the sale is commenced, which notice would set forth the purchaser, the end-use of the gas, the volume, the price, the term of the sale and other pertinent information.

It is proposed that the Commission retain the authority to set the matter for an expedited hearing within thirty days of notification by Applicant. It is further proposed that Applicant report to the Commission the monthly volumes sold pursuant to a sales arrangement, and other desired information, subject to additional reports at the request of the Commission.

Applicant proposes that any sale made pursuant to the requested certificate would be for an initial period not to exceed one year from the date the sale commences. If Applicant proposes to continue a sale beyond the initial period, Applicant would file a request for an extension of the sale at least 90 days before the expiration of the initial period. Applicant requests that if the Commission does not act on any request for an extension before the end of such period, the authorization would be automatically extended for the requested period, but in no event longer than one year or the expiration of the two-year term of the certificate requested herein, whichever is earlier.

It is asserted that all sales made under this arrangement would be interruptible, to be made by applicant only to the extent that they do not inhibit supplying fully the requirements of its on-system customers, and title to any volumes of gas sold under this proposed blanket certificate would pass to the purchaser upon actual physical delivery of the gas to the purchaser or for the account of the purchaser.

Applicant further requests that it be permitted to abandon sales and transportation effective upon the expiration of the contractual term of each individual arrangement authorized by the blanket certificate.

It is asserted that the proposed sales would provide two benefits to Applicant's customers: reduction in resale rates due to the reduction of Applicant's potential take-or-pay obligations and potential reduction in costs as a result of the revenue refund mechanism.

Any person desiring to be heard or to make any protest with reference to said



application should on or before July 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 82-17808 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. ER82-597-000]**

**Tucson Electric Power Co.; Notice of Cancellation**

June 24, 1982.

The filing Company submits the following:

Take notice that on June 14, 1982, Tucson Electric Power Company ("Tucson") tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 20, which became effective on May 1, 1979.

Tucson states that the aforementioned Rate Schedule is identified as the "TGE-PNM 1979-1981 San Juan Generating Station Power Sale Agreement" between Public Service Company of New Mexico

and Tucson. Tucson requests an effective date of April 30, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 82-17809 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. ER82-598-000]**

**Union Electric Co.; Notice of Filing**

June 24, 1982.

The filing Company submits the following:

Take notice that on June 14, 1982, Union Electric Company (Union) tendered for filing a new Wholesale Electric Service Agreement dated January 22, 1982 between Sho-Me Power Corporation and Union. Said Agreement provides for delivery point changes and for increased contract capacity.

Union requests an effective date of April 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before July 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 82-17830 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP 82-368-000]**

**United Gas Pipe Line Co.; Notice of Application**

June 24, 1982.

Take notice that on June 8, 1982, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-368-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of up to four portable compressors for use at variable points on its facilities in northeast Texas and northern Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that because of the recent and present high levels of producer activity and the age and varying operating pressures of Applicant's lines, Applicant is experiencing severe operational difficulties in attaching, taking and transporting the natural gas available to it. Applicant believes that the best solution would be to allow rapid reaction to operational needs in order to allow acquisition of long-term reserves by the most economical and efficient means. Applicant, therefore, proposes to acquire by lease or purchase and operate up to four compressors of up to 1,000 horsepower each and install, remove and install such compressors at other sites from time to time as required within specified counties in Texas and specified parishes in Louisiana.

It is asserted that the initial installation cost for each unit would not exceed \$90,154.00, which cost would be reduced substantially for subsequent installations since certain expenses would be incurred only once.

Applicant asserts that the proposed facilities would lessen the need for both field and permanent main line compression and that additional rights-of-way would not be required because the units would straddle Applicant's existing lines in existing rights-of-way.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will



not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc 82-17829 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Project No. 4564-001]**

**The Village of Winnetka, Ill.; Notice of Surrender of Preliminary Permit**

June 25, 1982.

Take notice that The Village of Winnetka, Illinois, Permittee for the Lock and Dam No. 15 on the Mississippi River Project No. 4564, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 4564 was issued on September 24, 1981, and would have expired on September 1, 1983. The project would have been located on the Mississippi River in Rock Island County, Illinois.

Permittee stated that it had encountered circumstances which render it unable to continue to develop the project.

Village of Winnetka, Illinois, filed the request for surrender of Project No. 4564 on May 17, 1982, and the surrender of the preliminary permit for Project No. 4564 has been deemed accepted as of the date of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-17839 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Project No. 4098-001]**

**The Wisconsin Power Incorporated System and the City of Black River Falls; Notice of Application for a Major License**

June 28, 1982.

Take notice that The Wisconsin Power Incorporated System and the City of Black River Falls (Applicant) filed on March 17, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for continued operation of a water power project to be known as the Hatfield Hydroelectric Project No. 4098. The project would be located on the Black River in Jackson and Clark Counties, Wisconsin. Correspondence with the Applicant should be directed to: Mr. Michael P. May, Boardman, Suhr, Curry & Field, One South Pinckney Street, P.O. Box 927, Madison, WI 53701.

**Project Description**—The existing project utilizes the existing Hatfield Dam and Lake Arbutus. The project consists of: (1) a 3100-foot long and maximum 40-foot high dam composed of three earth dike sections; (2) a reservoir having a full water level elevation of 885.0 feet-NGVD with a maximum surface area of approximately 945 acres and a gross storage capacity of 10,800 acre-feet; (3) a 12,615-foot long power canal; (4) three steel penstocks with associated penstock headworks; (5) a powerhouse containing two generating units with a total rated capacity of 5900 kW; and (6) appurtenant facilities. The applicant estimates that the average annual energy output is 18,500 MWh.

**Purpose of Project**—Applicant would distribute the energy generated by the project to its own retail customers.

**Competing Applications**—This application was filed as a competing

application to Northern States Power Company's application for Project No. 4706 filed on May 21, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice. [see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 16, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-17831 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 676]

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 24, 1982.

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION								
*****								
RECEIVED: 06/04/82 JA: KS								
8236651	K82-0367	1512920474	103		BAKER "C" #1	PANORA	37.8	PANHANDLE EASTERN
8236657	K82-0345	1512920585	103		BROWN "C" #3	INTERSTATE RED CAVE	268.0	PANHANDLE EASTERN
8236605	K82-0393	1518920267	108		FARRAR B #1	PANORA	6.9	PANHANDLE EASTERN
8236623	K82-0324	1512920531	102-4		FRIEND "A" #1	WINTER	383.0	PANHANDLE EASTERN
8236624	K82-0439	1517520566	102-4		GROSSARDI A #1	SHUCK	1138.0	CIMARRON-QUINQUE
8236570	K82-0440	1512920586	103		LINSCOTT "B" #8	INTERSTATE RED CAVE	45.0	PANHANDLE EASTERN
8236590	K82-0458	1512920542	103		LOW B #2	CIMARRON VALLEY SW	36.5	CIMARRON-QUINQUE
8236596	K82-0444	1517520555	102-4		PRINIZ "B" #2	WIDEAWAKE	1084.0	NORTHERN NATURAL
8236672	K82-0265	1518920211	108		RATZLAFF B #1	PANORA	8.5	PANHANDLE EASTERN
8236658	K82-0347	1512920588	103		ROSTETTER "A" #1	INTERSTATE RED CAVE	456.0	PANHANDLE EASTERN
8236606	K82-0394	1517500000	108		SANTA FE LAND IMP CO A #1	EVALYN	1.0	PANHANDLE EASTERN
8236604	K82-0392	1518920292	108		SAVAGE A #1	PANORA	10.3	PANHANDLE EASTERN
8236652	K82-0368	1518920551	102-3		SCHMIDT C #1	GENTZLER	1533.0	CIMARRON-QUINQUE
8236563	K82-0412	1512920589	103		SMITH "B" #5	INTERSTATE RED CAVE	273.0	PANHANDLE EASTERN
*****								
RECEIVED: 06/04/82 JA: KS								
8236641	K82-0370	1504720887	103		ROENBAUGH 1-3	UNNAMED	66.0	CENTRAL STATES GA
8236653	K82-0369	1504720888	103		TAYLOR 1-24	BORDEWICK E	55.0	CENTRAL STATES GA
*****								
RECEIVED: 06/04/82 JA: KS								
8236576	K82-0418	1500700000	108		L T GROENDYCKE #1	GROENDYCKE	14.6	CITIES SERVICE GA
8236568	K82-0417	1509500000	108		V L CLINE #1	SPIVEY-GRABS-BASIL	17.2	KANSAS POWER & LI
*****								
RECEIVED: 06/04/82 JA: KS								
8236618	K82-0090	1512523449	103		BERGAN #4	EAST COFFEYVILLE	8.5	VERDIGRIS ENERGY
*****								
RECEIVED: 06/04/82 JA: KS								
8236649	K82-0364	1512524499	102-2		ERWIN 3-32	JEFFERSON-SYCAMORE	20.1	UNION GAS SYSTEMS
8236650	K82-0365	1512524500	102-2		ERWIN 4-32	JEFFERSON-SYCAMORE	21.5	UNION GAS SYSTEMS
8236610	K82-0339	1514520758	102-4		HAMMEKE A #1-30	BRYANT SE	400.0	NORTHERN NATURAL
8236609	K82-0338	1514520760	102-4		HAMMEKE B #1-20	BRYANT SE	1.3	NORTHERN NATURAL
8236562	K82-0331	1514520763	102-4		STEFFEN A #1-6	STEFFEN SOUTH	106.0	NORTHERN NATURAL
*****								
RECEIVED: 06/04/82 JA: KS								
8236571	K82-0441	1517520554	103		COLLINSON #1	MASSONI EAST	485.0	PANHANDLE EASTERN
*****								
RECEIVED: 06/04/82 JA: KS								
8236551	K82-0405	1515120977	103		FINCHAM #3	BARNES	50.0	CENTRAL STATES GA
*****								
RECEIVED: 06/04/82 JA: KS								
8236677	K 81-1131	1515107300	108		BARNES #1	CARVER - ROBBINS	12.0	PANHANDLE EASTERN
8236676	K 81-1129	1515100000	108		WHITE GAS UNIT #1	CARVER - ROBBINS	12.0	PANHANDLE EASTERN
*****								
RECEIVED: 06/04/82 JA: KS								
8236636	K82-0319	1517520534	103		SHIRLEY #1	LEMERT	125.0	NORTHERN NATURAL
*****								
RECEIVED: 06/04/82 JA: KS								
8236643	K82-0374	1507700000	108		KIRCHER #1	SHARON	11.0	KANSAS POWER & LI
8236644	K82-0375	1507720565	108		KIRCHER #2	SHARON	11.0	KANSAS POWER & LI

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JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BYRON E HUMMON JR	82-0344	1513720715	RECEIVED: 06/04/82	CECIL #1	VOD NORTHWEST	109.0	KANSAS-NEBRASKA N
8236655	82-0359	1519121344	102-2	MUNLENBRUCH #2	CHICASKA	180.0	DELMH GAS PIPELIN
-CARAVEL ENERGY (KANSAS) INC	82-0461	1520522525	RECEIVED: 06/04/82	CARTER #1	ALTOONA (EAST)	730.0	CITIES SERVICE GA
8236593	82-0460	1520522526	102-2	CARTER #2	ALTOONA	730.0	CITIES SERVICE GA
8236592	82-0459	1520521639	102-2	GIBSON II-1	ALTOONA	730.0	CITIES SERVICE GA
8236591	82-0458	1520521638	102-2	NOAH #1	ALTOONA	730.0	CITIES SERVICE GA
8236588	82-0462	1520522632	102-2	NOAH #2	ALTOONA	730.0	CITIES SERVICE GA
-CHAMPLIN PETROLEUM COMPANY	82-0463	1520522632	RECEIVED: 06/04/82	JAS: KS	PANOMA	6.6	COLORADO INTERSTA
8236640	82-0473	1509320551	108	GARDEN #8 #2	SILVERMAN	7.3	NORTHERN NATURAL
8236670	82-0263	1517522553	103	LOMSCOR #2	HARDTNER	14.6	CITIES SERVICE GA
-CLARKE CORP	82-0334	150721260	RECEIVED: 06/04/82	JAS: KS	HARDTNER	14.6	KANSAS GAS SUPPLY
8236608	82-0335	150721260	103	GRAVES #1-A	GUTHRIE	14.6	CITIES SERVICE GA
8236585	82-0335	150721260	103	GRAVES #2-A	WHELAN	36.5	PEOPLES NATURAL G
-DUNBAR & SON OIL ENTERPRISES INC	82-0342	1512920616	RECEIVED: 06/04/82	JAS: KS	MCCANDLESS	72.0	CENTRAL STATES GA
8236629	82-0266	1503522909	102-2	RICE #5	INTERSTATE RED CAVE	36.0	COLORADO INTERSTA
-EAGLE EXPLORATIONS INC	82-0398	1507211148	RECEIVED: 06/04/82	JAS: KS	INTERSTATE RED CAVE	109.0	PANHANDLE EASTERN
8236547	82-0398	1507211148	103	EAGLE SWARTZ #1	INTERSTATE RED CAVE	36.0	PANHANDLE EASTERN
8236552	82-0406	1518521145	103	SHOOP #1	SPIVEY-GRABS	24.4	PEOPLES NAT GAS C
-EDGAR W WHITE	82-0343	1512921425	RECEIVED: 06/04/82	JAS: KS	NOT NAMED	113.0	KANSAS-NEBRASKA N
8236586	82-0343	1512921425	103	INTERSTATE RED CAVE #4	EMBRY	16.4	NORTHERN NATURAL
8236654	82-0343	1512920608	103	SCHWEIZER RED CAVE #3	EMBRY	16.4	NORTHERN NATURAL
8236612	82-0342	1512920616	103	SCHWEIZER RED CAVE #4	LERADO	12.0	PANHANDLE EASTERN
-ELDON J SCHIERLING	82-0271	1509521053	RECEIVED: 06/04/82	JAS: KS	WILDCAT	96.0	PANHANDLE EASTERN
8236678	82-0271	1509521053	103	NICHOLAS #B #1	MCKINNEY	30.0	KANSAS POWER & LI
-F & M OIL CO INC	82-0325	1514520780	RECEIVED: 06/04/82	JAS: KS	HARDTNER	9.0	CITIES SERVICE GA
8236556	82-0325	1514520780	103	GILCREASE #1	HARDTNER	3.0	CITIES SERVICE GA
-F G HOLL	82-0439	1514721942	RECEIVED: 06/04/82	JAS: KS	HUGOTON	18.0	NORTHERN NATURAL
8236598	82-0439	1514721942	102-4	EMBRY #2-23	HUGOTON	3.0	NORTHERN NATURAL
8236597	82-0436	1504720944	102-4	EMBRY #A #4-23	HUGOTON	3.0	NORTHERN NATURAL
-GEO R SHAW	82-0419	1515520528	RECEIVED: 06/04/82	JAS: KS	BURRTON NORTHEAST	12.0	PEOPLES NATURAL G
8236567	82-0416	1515520528	108	WOODSON-JUSTICE 1-A	BURRTON NORTHEAST	24.0	PEOPLES NATURAL G
-GEORGE R JONES	82-0276	1513721273	RECEIVED: 06/04/82	JAS: KS	BURRTON NORTHEAST	11.0	PEOPLES NATURAL G
8236577	82-0276	1513721273	103	LAURENCE #2	NOT DESIGNATED	55.0	PEOPLES NATURAL G
-GETTY OIL COMPANY	82-0258	1509300000	RECEIVED: 06/04/82	JAS: KS	REICHEL	6.0	HELLAR DRILLING C
8236541	82-0354	1500721285	103	THEIS #D #2A	REICHEL	4.4	HELLAR DRILLING C
8236584	82-0276	1500721285	103	AURORA BANK UNIT #2-5			
8236639	82-0355	1500721285	103	AURORA BANK UNIT #3-5			
8236665	82-0258	1509300000	108	BOPP UNIT #1			
8236666	82-0259	1509300000	108	HAUKINS UNIT #1			
8236664	82-0256	1509300000	108	HEDGES #1			
8236667	82-0260	1508100000	108	ROSKE UNIT #1			
-HAROLD J MILBURN	82-0328	1507900000	RECEIVED: 06/04/82	JAS: KS			
8236559	82-0328	1507900000	108	SCHERLING UNIT #1			
8236560	82-0329	1507920135	108	MARKENTINE #1			
8236561	82-0330	1507900000	108	WOODS #1			
-HARRIS EXPLORATION CO	82-0261	1509521159	RECEIVED: 06/04/82	JAS: KS			
8236668	82-0261	1509521159	103	WINEINGER #1			
-HELLAR DRILLING CO INC	82-0424	1516300000	RECEIVED: 06/04/82	JAS: KS			
8236579	82-0424	1516300000	108	KLEVENO #1			
8236580	82-0425	1516300000	108	THIELENHAUS #1			

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JD NO	JA DKT	API NO	D SEC (1)	SFC (2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HELMERICH & PAYNE INC								
8236566	K-82-415	151810000	108	RECEIVED: 06/04/82	J.A. KS	HUGOTON	2.0	CITIES SERVICE GA
-HUGHES SEEMALD								
8236614	K82-0073	1507120072	108	RECEIVED: 06/04/82	J.A. KS	NORTH BRADSHAW	14.8	SUNFLOWER ELECTRI
8236615	K82-0074	1507120072	108	GRIMES #1		NORTH BRADSHAW	14.0	SUNFLOWER ELECTRI
8236616	K82-0075	1507120007	108	SPEARS #1		NORTH BRADSHAW	13.0	SUNFLOWER ELECTRI
8236617	K82-0079	1507120222	103	VOGT #1		NORTH BRADSHAW	80.0	SUNFLOWER ELECTRI
-IMPERIAL OIL COMPANY								
8236581	K82-0428	1509720658	108	RECEIVED: 06/04/82	J.A. KS	VOD	11.6	KANSAS-NEBRASKA N
8236599	K82-0383	1509720784	102-2	BUTTSFIELD #3-19		CARVER ROBBINS WEST	11.0	PANHANDLE EASTERN
8236602	K82-0389	1509720829	102-2	BUTLER-THOMPSON #3-24		CARVER ROBBINS WEST	18.3	PANHANDLE EASTERN
8236600	K82-0384	1509720832	102-2	CLARKSON #1-14		CARVER ROBBINS WEST	182.5	PANHANDLE EASTERN
8236613	K82-0101	1509720835	102-2	HENDRICKS #2-14		CARVER ROBBINS WEST	36.5	PANHANDLE EASTERN
8236578	K82-0423	1509720525	108	HOFF #3-13		CARVER ROBBINS WEST	12.9	NORTHERN NATURAL
-J M HUBER CORPORATION								
8236549	K82-0403	1512920451	108	HUCK #1-17		WILDCAT	8.5	CITIES SERVICE GA
-JAY ENERGY DEVELOPMENT CORP								
8236674	K 82-0254	1511520779	103	RECEIVED: 06/04/82	J.A. KS	PANOMA COUNCIL GROVE	7.2	CLOVER PIPELINE C
8236572	K82-0442	1515520699	103	FORTENBAUGH #19-1		LOST SPRINGS	75.0	PEOPLES NATURAL G
-KANEX OIL, INC.								
8236611	K82-0340	1505320371	108	JIRAK "A" #1		ELLSWORTH	7.3	NORTHERN NATURAL
-KANSAS PETROLEUM INC								
8236575	K82-0457	1509521176	103	WEBER #1		SPIVEY-GRABS	1E.0	NORTHERN NATURAL
-KENNEDY & MITCHELL INC								
8236557	K82-0326	1517521445	103	ROBINSON #1		LIBERAL SE	150.0	ANADARKO PRODUCTI
-KENNETH N PARTEN								
8236573	K82-0451	1515100000	108	MAPLE #2		CARVER ROBBINS	18.2	L & M GAS CO
-KRM PETROLEUM CORP								
8236625	K82-0447	1503320521	102-4	LIBERAL #25-185		COLLIER FLATS SOUTH	130.0	NORTHERN NATURAL
8236595	K-82-0445	1513321541	102-4	CHRISTIAN #1-11		COLLIER FLATS SOUTH	10.0	NORTHERN NATURAL
-LADD PETROLEUM CORPORATION								
8236558	K82-0327	1505720253	102-2	SELZER #5-2		FAGER	705.2	KANSAS POWER & LI
8236582	K82-0432	1502520554	102-2	C S SHELOR #1		WILDCAT	86.8	KANSAS POWER & LI
-MALONE OIL CO								
8236631	K82-0224	1515921432	108	WEARS #2		CHASE SILICA	16.4	MAPCO PRODUCTION
-MARCO PRODUCTION CO								
8236662	K82-0353	1511520710	108	RECEIVED: 06/04/82	J.A. KS	ANTELOPE	6.0	CLOVER PIPELINE C
-MCAM OIL CO INC								
8236548	K82-0399	1507920527	103	FRANCIS MALONE #1		MISSISSIPPI	29.2	PEOPLES NATURAL G
8236588	K82-0400	1507920528	103	RECEIVED: 06/04/82	J.A. KS	MISSISSIPPI	109.5	PEOPLES NATURAL G
-MCCOY PETROLEUM CORP								
8236554	K82-0408	1509521225	103	COMANCHE WEST #1		SPIVEY-GRABS	18.0	PEOPLES NATURAL G
-MCGINNNESS OIL COMPANY								
8236673	K 82-0255	1500721282	103	SIEMENS #1		STRANATHAN	110.0	PANHANDLE EASTERN
-MOBIL OIL CORP								
8236589	K82-0453	1518920557	103	KOHMAN #6		PANOMA COUNCIL GROVE	70.0	NORTHERN NATURAL
8236622	K82-0455	1518920559	103	STERLING #1		PANOMA COUNCIL GROVE	70.0	NORTHERN NATURAL
8236620	K82-0452	1518920554	103	BAKER (RNG 34) #2		PANOMA COUNCIL GROVE	70.0	NORTHERN NATURAL
8236621	K82-0454	1518920555	103	CLERA P RATELIF UNIT #1		PANOMA COUNCIL GROVE	70.0	NORTHERN NATURAL
-MOLZ OIL CO								
8236669	K 82-0262	1500721274	103	E CARPENTER #1 UNIT #2		MCQUIRE GOEMANN	33.0	PANHANDLE EASTERN
-MOUNTAIN PETROLEUM CORPORATION								
8236630	K-82-0283	1512321112	108	KNIER #1 UNIT #2		ARMEL	0.0	KANSAS-NEBRASKA N
				TRAFFAS #2				
				RECEIVED: 06/04/82	J.A. KS			
				HUEB #1-9				

JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	VOLUME 676	PROC PURCHASER	PAGE 104
-MULL DRILLING CO INC			RECEIVED:	06/04/82	JA: KS		
8236637	K82-0333	1500700000	108	HILLS		17.0 CITIES SERVICE GA	
8236607	K82-0332	1500700000	108	HILLS #1		17.0 CITIES SERVICE GA	
-NATIONAL OIL CO			RECEIVED:	06/04/82	JA: KS		
8236550	K82-0404	1500720483	103	J J RANCH #1		55.0 CENTRAL STATES GA	
8236632	K82-0285	1500720546	103	NEWTON #1		54.0 PEOPLES NATURAL G	
-NATIONAL OIL COMPANY			RECEIVED:	06/04/82	JA: KS		
8236583	K82-0275	1518720330	103	WILLIAMS #1		73.0 KANSAS-NEBRASKA N	
-NORTHERN NATURAL GAS PRODUCING CO			RECEIVED:	06/04/82	JA: KS		
8236642	K82-0373	1518920552	103	WULFEMEYER #1-A UNIT #2		70.0 NORTHERN NATURAL	
-OIL LIFT INC			RECEIVED:	06/04/82	JA: KS		
8236671	K 82-0383	1512523021	108	SMITH #1 (API #15-125-23 021)		12.8 PELICAN PIPELINE	
-OXFORD EXPLORATION COMPANY			RECEIVED:	06/04/82	JA: KS		
8236675	K 81-1315	1504720879	103	A HAGENWOOD #1-A		145.0 CENTRAL STATES GA	
-PETRO-LEWIS CORPORATION			RECEIVED:	06/04/82	JA: KS		
8236645	K82-0377	1508123041	108	BARBEE #1		9.1 NORTHERN NATURAL	
-PETROLEUM INC			RECEIVED:	06/04/82	JA: KS		
8236542	K82-0356	1500700000	108	DONOVAN "B" SKELLY UNIT #1		14.6 CITIES SERVICE GA	
8236543	K82-0357	1509500000	108	RICKARD "G" #1		14.6 KANSAS POWER & LI	
8236544	K82-0358	1517500000	108	THOMPSON UNIT #1		14.6 PANHANDLE EASTERN	
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	06/04/82	JA: KS		
8236603	K82-0391	1509500000	108	ALDRICH AB #4		2.3 KANSAS POWER & LI	
8236555	K82-0410	1509500000	108	TJADEN AB #1		4.2 KANSAS POWER & LI	
-R CLAY UNDERWOOD			RECEIVED:	06/04/82	JA: KS		
8236663	K 82-0248	151192254	108	H G ADAMS IV "F" #8		11.2 COLORADO INTERSTA	
-RAINS & WILLIAMSON OIL CO INC			RECEIVED:	06/04/82	JA: KS		
8236569	K82-0433	1519121186	103	LOVE #1		36.5 DELHI GAS PIPELIN	
-RANGE OIL COMPANY INC			RECEIVED:	06/04/82	JA: KS		
8236553	K82-0407	1503523025	103	VOORHIS #4		0.0 CITIES SERVICE GA	
-REACH PETROLEUM CORP			RECEIVED:	06/04/82	JA: KS		
8236574	K82-0456	1507720682	102-2	TRUBY #1		90.0 QUIVIRA GAS CO	
-ROBERT F WHITE			RECEIVED:	06/04/82	JA: KS		
8236574	K82-0456	1507720682	103	THEIS #2		100.0 NORTHERN NATURAL	
-SHAWMAR OIL CO INC			RECEIVED:	06/04/82	JA: KS		
8236679	K 82-0321	1511520519	108	ALVIN LOVELESS #1 00173-000008		5.0 CITIES SERVICE GA	
8236680	K 82-0322	1511520520	108	ALVIN LOVELESS #2 00173-000008		5.0 CITIES SERVICE GA	
8236681	K 82-0323	1511520556	108	ALVIN LOVELESS #3 00173-000008		5.0 CITIES SERVICE GA	
-SOMIO PETROLEUM CO			RECEIVED:	06/04/82	JA: KS		
8236564	K82-0413	1515121075	103	J LEHON #2		20.4 CENTRAL STATES GA	
-TEXACO INC			RECEIVED:	06/04/82	JA: KS		
8236635	K82-0320	1517520594	103	JACK ENGEL UNIT #1		239.9 CITIES SERVICE GA	
-TEXAS ENERGIES INC			RECEIVED:	06/04/82	JA: KS		
8236565	K82-0414	1515121034	103	LETHOLT #1-20		36.5 CENTRAL STATES GA	
-TXO PRODUCTION CORP			RECEIVED:	06/04/82	JA: KS		
8236633	K82-0286	1502520473	102-2	CHURCH #1		1.2	
8236634	K82-0287	1507720761	102-2	K U ENDOWMENT #1		182.5	
8236546	K82-0361	1510721390	102-2	LARSON "A" #2		181.5	
-W B OSBORN JR (OPERATOR)			RECEIVED:	06/04/82	JA: KS		
8236661	K82-0350	1509300000	102-2	CLSON 1-A		30.0 NORTHERN NATURAL	
8236660	K82-0349	1509320735	102-2	REXFORD 1-A		36.0 NORTHERN NATURAL	
8236587	K82-0351	1509300000	103	RINEHART 2A		36.0 PEOPLES NATURAL G	
8236659	K82-0348	1507500000	102-2	SUGHRUE #2		35.0 PEOPLES NATURAL G	
-W. L. KIRKMAN, INC.			RECEIVED:	06/04/82	JA: KS		

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8236648	K82-0362	151521028	103	RECEIVED: 06/04/82	BRIGGEMAN "B" #1	WILDCAT	0.5	PANHANDLE EASTERN
-WELLS-BATTELSTEIN OIL & GAS INC								
8236628	K82-0382	1501922219	103	RECEIVED: 06/04/82	JA: KS			
8236646	K82-0378	1501922216	103	RECEIVED: 06/04/82	AIKEN ACRES "P" (#0572) P-10	FRAZIER	21.9	COOKSON HILLS GAS
8236647	K82-0379	1501921672	103	RECEIVED: 06/04/82	AIKEN ACRES "P" (#0572) P-6	FRAZIER	45.6	COOKSON HILLS GAS
8236626	K82-0380	1501922217	103	RECEIVED: 06/04/82	AIKEN ACRES "P" (#0572) P-7	FRAZIER	47.5	COOKSON HILLS GAS
8236627	K82-0381	1501922218	103	RECEIVED: 06/04/82	AIKEN ACRES "P" (#0572) P-8	FRAZIER	43.1	COOKSON HILLS GAS
-WEMERT TRICH								
8236601	K82-0385	1509720608	103	RECEIVED: 06/04/82	KENDALL #1	WILDCAT	18.3	COOKSON HILLS GAS
-WILLIFORD ENERGY CO								
8236619	82-0247	1517520569	103	RECEIVED: 06/04/82	JA: KS			
*****								
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
*****								
-ADORE OIL & GAS CORPORATION								
8236436	11724	3706326529	103	RECEIVED: 06/03/82	JA: PA			
8236435	11657	3706326703	103	RECEIVED: 06/03/82	BESSIE TRIMBLE	ROCHESTER MILLS	24.0	T W PHILLIPS CO
8236434	11633	3706522448	103	RECEIVED: 06/03/82	HARRY RAY "C" #1	CLYMER	24.0	COLUMBIA GAS TRAN
-ANGERMANN ASSOCIATES INC								
8236437	11664	3706300000	103	RECEIVED: 06/03/82	SUGAR HILL LIMESTONE #1	DUBOIS	23.0	
-ASHTOLA PRODUCTION CO								
8236438	11680	3705120292	103	RECEIVED: 06/03/82	T P & T M TEDESCHI #1 - IND-26348	W PA - UPPER DEVONIAN	50.0	T W PHILLIPS GAS
8236439	11681	3705120291	103	RECEIVED: 06/03/82	JA: PA			
-ATLAS RESOURCES INC								
8236440	11691	3706326720	102-2	RECEIVED: 06/03/82	FRAMPTON #2	WALTERSBURG	22.0	
8236441	11718	3706326478	102-2	RECEIVED: 06/03/82	JA: PA			
-BOYD & SHRIVER								
8236442	11690	3706320541	108	RECEIVED: 06/03/82	LA NO KE TRIM TREE CO #1	WALTERSBURG	23.0	
-CABOT OIL & GAS CORP								
8236453	11700	3703921431	102-2	RECEIVED: 06/03/82	POLLOCK #302	N MAHONING	150.0	COLUMBIA GAS TRAN
8236455	11695	3703921431	107-TF	RECEIVED: 06/03/82	JA: PA			
8236445	11618	3703921469	102-2	RECEIVED: 06/03/82	ARLYN RUBASH #1	WAYNE	50.0	TENNESSEE GAS PIP
8236457	11619	3703921469	107-TF	RECEIVED: 06/03/82	HARRY A MCCONNELL #1	WAYNE	50.0	TENNESSEE GAS PIP
8236450	11674	3703921429	102-2	RECEIVED: 06/03/82	JACOB LEFFLER #1	WAYNE	50.0	TENNESSEE GAS PIP
8236462	11673	3703921429	107-TF	RECEIVED: 06/03/82	JACOB LEFFLER #1	WAYNE	50.0	TENNESSEE GAS PIP
8236443	11614	3708520343	102-2	RECEIVED: 06/03/82	JAMES F PATTERSON #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8236455	11615	3708520343	107-TF	RECEIVED: 06/03/82	JAMES F PATTERSON #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8236451	11676	3703921434	102-2	RECEIVED: 06/03/82	JEWELL ALLEN #2	WAYNE	50.0	TENNESSEE GAS PIP
8236444	11675	3703921434	107-TF	RECEIVED: 06/03/82	JEWELL ALLEN #2	WAYNE	50.0	TENNESSEE GAS PIP
8236456	11617	3703921507	107-TF	RECEIVED: 06/03/82	LESTER J WRIGHT #1	WAYNE	50.0	TENNESSEE GAS PIP
8236449	11672	3703921436	102-2	RECEIVED: 06/03/82	LESTER J WRIGHT #1	WAYNE	50.0	TENNESSEE GAS PIP
8236461	11671	3703921436	107-TF	RECEIVED: 06/03/82	RICHARD B FROGGATT #2	WAYNE	50.0	TENNESSEE GAS PIP
8236446	11666	3703921460	102-2	RECEIVED: 06/03/82	RICHARD B FROGGATT #2	WAYNE	50.0	TENNESSEE GAS PIP
8236458	11665	3703921460	107-TF	RECEIVED: 06/03/82	ROBERT KLASSEN #1	WAYNE	50.0	TENNESSEE GAS PIP
8236454	11702	3703921439	102-2	RECEIVED: 06/03/82	ROBERT KLASSEN #1	WAYNE	50.0	TENNESSEE GAS PIP
8236466	11701	3703921439	107-TF	RECEIVED: 06/03/82	ROBERT KLASSEN #1	WAYNE	50.0	TENNESSEE GAS PIP
8236447	11678	3703921453	102-2	RECEIVED: 06/03/82	ROBERT PEGAN #1	WAYNE	50.0	TENNESSEE GAS PIP
8236459	11667	3703921453	107-TF	RECEIVED: 06/03/82	ROBERT STEIDER #1	WAYNE	50.0	TENNESSEE GAS PIP
8236452	11698	3703921459	102-2	RECEIVED: 06/03/82	W GLENN HOFFMAN #1	WAYNE	50.0	TENNESSEE GAS PIP
8236464	11697	3703921459	107-TF	RECEIVED: 06/03/82	W GLENN HOFFMAN #1	WAYNE	50.0	TENNESSEE GAS PIP
8236448	11670	3703920722	102-2	RECEIVED: 06/03/82	WALTER PEARL #1	WAYNE	50.0	TENNESSEE GAS PIP
8236460	11669	3703920722	107-TF	RECEIVED: 06/03/82	WALTER PEARL #1	WAYNE	50.0	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	VOLUME	676	PAGE	006
<b>-CASTLE GAS CO INC</b>									
8236469	11650	3706322063	108	RECEIVED: 06/03/82	J A: PA	ARMSTRONG TOWNSHIP	5.0	PEOPLES NATURAL GAS	6
8236467	11648	3706324274	108	108	E M CARNAHAN #4 (C-105) IND-22063	CENTER TOWNSHIP	5.3	COLUMBIA GAS TRAN	5.3
8236468	11649	3706324648	108	108	RSP COAL J BONNER#3 C-509 IND24274	CENTER TOWNSHIP	5.3	COLUMBIA GAS TRAN	5.3
8236470	11651	3706324503	108	108	RSP COAL JR CARNAHAN#2 C-540 IND24648	WHITE TOWNSHIP	4.2	COLUMBIA GAS TRAN	4.2
8236471	11652	3706323958	108	108	W R SMITH #6 (C-457) IND-23958	EAST MAHONING TOWNSHIP	3.1	PEOPLES NATURAL GAS	6
<b>-CONSOLIDATED GAS SUPPLY CORPORATION</b>									
8236477	11708	3706521656	108	RECEIVED: 06/03/82	J A: PA	MCCALMONT TOWNSHIP	14.0	GENERAL SYSTEM PU	14.0
8236479	11710	3706521656	108	108	AUGUST WERNER #1 WN-1632	GIBSON TOWNSHIP	12.0	GENERAL SYSTEM PU	12.0
8236475	11715	3706326619	102-4	102-4	B & O RAILROAD #2 WN-1687	BANKS TOWNSHIP	45.0	GENERAL SYSTEM PU	45.0
8236474	11714	3706321105	102-2	102-2	G HOLLIDAY ET AL WN-1879	PIKE TOWNSHIP	4.0	GENERAL SYSTEM PU	4.0
8236472	11711	3706321115	102-2	102-2	MIXON-SELNER UNIT WN-1874	BURNSIDE TOWNSHIP	113.0	GENERAL SYSTEM PU	113.0
8236478	11709	3706320690	108	108	JAMES C BROTHERS WN-1856	PENN TOWNSHIP	1.0	GENERAL SYSTEM PU	1.0
8236476	11707	3706521274	108	108	JAMES O CONRAD WN-1661	WINSLOW TOWNSHIP	21.6	GENERAL SYSTEM PU	21.6
8236473	11712	3706321167	102-2	102-2	JOHN E WHIPPLE WN-1540	BURNSIDE TOWNSHIP	24.0	GENERAL SYSTEM PU	24.0
<b>-DELTA 80 S T JOINT VENTURE</b>									
8236484	11693	3706522182	103	RECEIVED: 06/03/82	J A: PA	HENDERSON	25.0	T W PHILLIPS GAS	25.0
<b>-DOC-NCC SERVICE CO</b>									
8236485	11663	3712921955	103	RECEIVED: 06/03/82	J A: PA	E HUNTINGDON	36.0	TEXAS EASTERN TRA	36.0
8236486	11716	3712921816	103	103	BARTHALOMEY M TULLIO 892-1	PENN	30.0	TEXAS EASTERN TRA	30.0
8236487	11717	3712921835	103	103	RUTH A FELGAR 827-1	GIBSON	36.0	TEXAS EASTERN TRA	36.0
<b>-DORAN &amp; ASSOCIATES INC</b>									
8236490	11661	3706521780	108	RECEIVED: 06/03/82	J A: PA	UPPER DEVONIAN SANDS	36.0	CONSOLIDATED GAS	36.0
8236489	11662	3706521755	108	108	E R KUNTZ #2 KL-164	UPPER DEVONIAN SANDS	36.0	CONSOLIDATED GAS	36.0
8236488	11662	3708520306	102-2	102-2	NORMAN ZIMMERMAN #1 KL-160	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS	30.0
<b>-DORSO ENERGY</b>									
8236491	11551	3706326677	103	RECEIVED: 06/03/82	J A: PA	CRETE	40.0	COLUMBIA GAS TRAN	40.0
<b>-EARL M RICHARDS</b>									
8236529	11640	3712920031	108	RECEIVED: 06/03/82	J A: PA	NORTH WASHINGTON	6.0	APOLLO GAS CO	6.0
8236530	11645	3712923607	108	108	BAZELLA #1	VANDERGRIFT	6.0	APOLLO GAS CO	6.0
<b>-EASTERN STATES EXPLORATION CO</b>									
8236492	11658	3706522433	103	RECEIVED: 06/03/82	J A: PA	RATHMEL	35.0	NATIONAL FUEL GAS	35.0
8236493	11659	3706522418	103	103	JAMES E PIERCE #1	RATHMEL	10.0	NATIONAL FUEL GAS	10.0
<b>-EPSILON 1980 S T JOINT VENTURE</b>									
8236495	11694	3706321250	103	RECEIVED: 06/03/82	J A: PA	NONE	25.0	CONSOLIDATED GAS	25.0
8236494	8823	3706522296	103	103	DE LARME #3	NONE	25.0	CONSOLIDATED GAS	25.0
<b>-HADDAD &amp; BROOKS INC</b>									
8236481	11623	3708520290	103	RECEIVED: 06/03/82	J A: PA	DEER CREEK	41.0		41.0
8236483	11624	3708522290	107-TF	107-TF	CLARENCE BEGGS UNIT #1	DEER CREEK	40.8		40.8
8236480	11621	3708520294	103	103	JOHN ENGLERT UNIT #1	DEER CREEK	35.0		35.0
8236482	11622	3708520294	107-TF	107-TF	JOHN ENGLERT UNIT #1	DEER CREEK	35.0		35.0
<b>-KEYSTONE OIL &amp; GAS PRODUCTIONS INC</b>									
8236497	11692	3706325769	103	RECEIVED: 06/03/82	J A: PA	BUTERBAUGH	78.0	COLUMBIA GAS TRAN	78.0
<b>-KRIEBEL WELLS 1981</b>									
8236498	11612	3706326550	103	RECEIVED: 06/03/82	J A: PA	ROCHESTER MILLS	31.5		31.5
<b>-MAC-MAR INC</b>									
8236499	11731	3706326649	103	RECEIVED: 06/03/82	J A: PA	CLARKSBURG	34.0	T W PHILLIPS GAS	34.0
<b>-MERIDIAN EXPLORATION CORP</b>									
8236500	11630	3704921568	102-2	102-2	J ARTELLO UNIT #604-1	EDINBORO NORTH	30.0	NATIONAL FUEL GAS	30.0
8236508	11688	3704921568	107-TF	107-TF	J ARTELLO UNIT #604-1	EDINBORO NORTH	30.0	NATIONAL FUEL GAS	30.0
8236502	11634	3704921607	102-2	102-2	LUCIANO #602-2	EDINBORO NORTH	30.0	NATIONAL FUEL GAS	30.0
8236506	11635	3704921607	107-TF	107-TF	LUCIANO #602-2	EDINBORO NORTH	30.0	NATIONAL FUEL GAS	30.0
8236501	11631	3703921413	102-2	102-2	LYDIC #603-1	ROCKDALE	30.0	COLUMBIA GAS TRAN	30.0



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8236503	11636	3704921606	102-2		P LUCIANO #601-1	EDINBORO NORTH	3C.0	NATIONAL FUEL GAS
8236507	11637	3704921606	107-TF		P LUCIANO #601-1	EDINBORO NORTH	3C.0	NATIONAL FUEL GAS
8236505	11632	3703921413	107-TF		R LYDIC #603-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8236504	10988	3704921252	107-TF		T JAMOSIK #557-1	EDINBORO NORTH	6.0	COLUMBIA GAS TRAN
-MERIDIAN OIL & GAS ENT INC			RECEIVED:	06/03/82	JA: PA			
8236509	11689	3703921463	103		A T BOBAN SR #1	BEAVER	36.0	
-O G M DEVELOPMENT CORP			RECEIVED:	06/03/82	JA: PA			
8236517	9492	3706522116	108		A-10 (PERMIT NO JEF-22116)	SIGEL FIELD - CLEAR C	0.0	NATIONAL FUEL GAS
8236518	9493	3706522117	108		A-11 (PERMIT NO JEF-22117)	SIGEL FIELD - CLEAR C	0.7	NATIONAL FUEL GAS
8236510	9484	3706522108	108		A-2 (PERMIT NO JEF-22108)	SIGEL FIELD-CLEAR CRE	0.0	NATIONAL FUEL GAS
8236511	9485	3706522109	108		A-3 (PERMIT NO JEF-22109)	SIGEL FIELD-CLEAR CRE	0.0	NATIONAL FUEL GAS
8236512	9486	3706522110	108		A-4 (PERMIT # JEF-22110)	SIGEL FIELD - CLEAR C	0.0	NATIONAL FUEL GAS
8236513	9487	3706522111	108		A-5 (PERMIT NO JEF-22111)	SIGEL - CLEAR CREEK O	0.0	NATIONAL FUEL GAS
8236514	9488	3706522112	108		A-6 (PERMIT NO JEF-22112)	SIGEL FIELD - CLEAR C	0.0	NATIONAL FUEL GAS
8236515	9489	3706522113	108		A-7 (PERMIT NO JEF-22113)	SIGEL FIELD-CLEAR CRE	0.0	NATIONAL FUEL GAS
8236516	9490	3706522114	108		A-8 (PERMIT NO JEF-22114)	SIGEL FIELD - CLEAR C	0.0	NATIONAL FUEL GAS
-PHILLIPS PRODUCTION CO			RECEIVED:	06/03/82	JA: PA			
8236520	9373	3706522055	108		JAMES H STALEY	YOUNG	1.0	NATIONAL FUEL GAS
8236519	9180	3706325075	108		LISLE H WALKER #3	CENTER	14.0	COLUMBIA GAS TRAN
-T W PHILLIPS GAS & OIL CO			RECEIVED:	06/03/82	JA: PA			
8236524	11686	3706320575	108		ARTHUR R FLEMING #3	ARMSTRONG	4.8	T W PHILLIPS GAS
8236528	11723	3706320473	108		C P WISSINGER #1	WASHINGTON	3.8	T W PHILLIPS GAS
8236523	11685	3706324767	103		FMLY JOSEPH CAREY #1	CANOE	45.0	T W PHILLIPS GAS
8236521	11683	3706324953	103		HOMER AND IVA M BOWMAN #1	CONEMAUGH	55.0	T W PHILLIPS GAS
8236522	11684	3706521888	103		J H DILTS #2	PERRY	25.0	T W PHILLIPS GAS
8236526	11721	3706321617	108		LEON CZALOWSKI #1	WASHINGTON	2.1	T W PHILLIPS GAS
8236525	11719	3706320396	108		LUELLA M OBERLIN #6	CANOE	5.9	T W PHILLIPS GAS
8236527	11722	3706325253	108		S P KUNKLE #1	WASHINGTON	2.6	T W PHILLIPS GAS
-TEMPLETON ENERGY INC			RECEIVED:	06/03/82	JA: PA			
8236496	11568	3700522642	103		S R SHIREY #2 PA8-2	NEW SALEM	0.0	PEOPLES NATURAL G
-WAINOCO OIL & GAS CO			RECEIVED:	06/03/82	JA: PA			
8236533	11595	3708520275	102-2		HOPE W LEISE #1 (MC-11)	GREENVILLE	8.0	TENNESSEE GAS PIP
8236538	11596	3708520275	107-TF		HOPE W LEISE #1 (MC-11)	GREENVILLE	8.0	TENNESSEE GAS PIP
8236531	11231	3703921392	102-2		MALCOLM E OLSON #1 (W-120)	ATHENS (BLOOMFIELD)	0.0	COLUMBIA GAS TRAN
8236536	11230	3703921392	107-TF		MALCOLM E OLSON #1 (W-120)	ATHENS (BLOOMFIELD)	0.0	COLUMBIA GAS TRAN
8236535	11656	3708520232	102-2		MARVIN KLEINHANS #1 (MC-3)	GREENVILLE	12.0	TENNESSEE GAS PIP
8236540	11655	3708520232	107-TF		MARVIN KLEINHANS #2 (MC-3)	GREENVILLE	12.0	TENNESSEE GAS PIP
8236534	11653	3708520233	102-2		RENA OSBORN #1 (MC-4)	GREENVILLE	6.0	TENNESSEE GAS PIP
8236539	11654	3708520233	107-TF		RENA OSBORN #1 (MC-4)	GREENVILLE	6.0	TENNESSEE GAS PIP
8236532	11594	3708520264	102-2		RODNEY & LARRY TURNER #1 (MC-12)	GREENVILLE	11.0	TENNESSEE GAS PIP
8236537	11593	3708520264	107-TF		RODNEY & LARRY TURNER #1 (MC-12)	GREENVILLE	11.0	TENNESSEE GAS PIP
-WEST VIRGINIA DEPARTMENT OF MINES			RECEIVED:	06/01/82	JA: WV			
-CABOT OIL & GAS CORP			RECEIVED:	06/01/82	JA: WV			
8236416		4703903427	108		HUNTINGTON 27-477	CABIN CREEK	21.3	TENNESSEE GAS PIP
8236417		4719000331	108		KANAWHA-GAULEY 7-85E	FALLS	3.5	TENNESSEE GAS PIP
8236419		4710900294	108		POCAHONTAS FORD 8-1294	BAILEYSVILLE	20.3	TENNESSEE GAS PIP
8236433		4701900336	108		ROBSON-PRICHARD-LAFOLLETTE 2-550	KANAWHA	3.8	TENNESSEE GAS PIP
-CHASE PETROLEUM			RECEIVED:	06/01/82	JA: WV			
8236412		4708505090	102-3		GRIFFIN #3	CLAY DISTRICT	39.0	
8236409		4708505093	102-3		GRIFFIN #4	CLAY DISTRICT	39.0	
8236411		4708504979	102-3		SPIKER #1	UNION DISTRICT	39.0	

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8236410		4708524977	102-3		SPIKER #2	UNION DISTRICT	39.0	
8236415		4708505003	102-3		SPIKER #3	UNION DISTRICT	38.0	
8236414		4708505004	102-3		SPIKER #4	UNION DISTRICT	39.0	
8236413		4708505005	102-3		SPIKER #5	UNION DISTRICT	38.0	
-J & J ENTERPRISES INC								
8236422		4701725060	108	RECEIVED: 06/01/82	J-20	NEW MILTON	0.0	COLUMBIA GAS TRAN
8236423		4701722507	108		J-21 (JJ-2#2)	NEW MILTON	0.0	COLUMBIA GAS TRAN
8236429		4701722618	108		J-231	CENTRAL	0.0	COLUMBIA GAS TRAN
8236416		4702123618	108		J-253	TROY	0.0	CONSOLIDATED GAS
8236430		4701725370	108		J-26 (JJ-6#11)	WEST UNION	0.0	CONSOLIDATED GAS
8236431		4701725335	108		J-28	WEST UNION	0.0	CONSOLIDATED GAS
8236432		4703322173	108		J-55 (S-555-#1)	TENMILE	0.0	CONSOLIDATED GAS
8236424		4701722510	108		J-60 (K-19#2)	WEST UNION	0.0	COLUMBIA GAS TRAN
8236421		4701722503	108		J-62 (K-26#1)	WEST UNION	0.0	COLUMBIA GAS TRAN
8236425		4701722515	108		J-64 (K-19#1)	WEST UNION	0.0	COLUMBIA GAS TRAN
8236426		4701722529	108		J-66 (K-31-#1)	WEST UNION	0.0	COLUMBIA GAS TRAN
8236427		4701722542	108		J-68 (K-305#1)	NEW MILTON	0.0	COLUMBIA GAS TRAN
8236428		4701725800	108		J-74	CENTRAL	0.0	COLUMBIA GAS TRAN
8236420		4701724725	108		J-75	NEW MILTON	0.0	COLUMBIA GAS TRAN
-JIM EMES PETROLEUM CO								
8236402		4709500879	103	RECEIVED: 06/01/82	WILLIAM K JOHNSON #2	LINCOLN	5.0	CONSOLIDATED GAS
-RICHARDS ENERGY CO								
8236404		4708525124	103	RECEIVED: 06/01/82	A K RICHARDS #R-20-RIT 5124	PULLMAN	38.3	CONSOLIDATED GAS
8236408		4708525201	103		A K RICHARDS #R-25-RIT 5201	PULLMAN	23.0	CONSOLIDATED GAS
8236403		4708525121	103		J A WILSON #R-21-RIT 5121	PULLMAN	25.6	CONSOLIDATED GAS
8236405		4708525193	103		J A WILSON #R-22-RIT 5193	PULLMAN	20.1	CONSOLIDATED GAS
8236406		4708525194	103		J A WILSON #R-23-RIT 5194	PULLMAN	36.5	CONSOLIDATED GAS
8236407		4708525198	103		J A WILSON #R-24-RIT 5198	PULLMAN	21.9	CONSOLIDATED GAS

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 16, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease  
102-2: New well (2.5 mile rule)  
102-3: New well (1000 ft rule)  
102-4: New onshore reservoir

102-5: New reservoir on old OCS lease  
Section 107-DP: 15,000 feet or deeper  
107-CB: Geopressured brine  
107-CS: Coal seams  
107-DV: Devonian shale  
107-PE: Production enhancement  
107-TF: New tight formation  
107-RT: Recompletion tight formation

Section 108: Stripper well  
108-SA: Seasonally affected  
108-ER: Enhanced recovery  
108-PB: Pressure buildup

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 82-17844 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 677]

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 24, 1982.

JD NO	JA DKT	API NO	U SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES						
*****						
-AMERICAN EXPLORATION CO						
8236682		3412723659	RECEIVED: 06/07/82 JA: OH		10.0	COLUMBIA GAS TRAN
8236682		3412723659	108 AMOS SIMS #1		18.0	
-AMERICAN WELL MANAGEMENT COMPANY						
8236683		3412723659	RECEIVED: 06/07/82 JA: OH			
8236683		3412723659	103 107-TF JOHN YARGER #1	FULTONHAM		
-APPALACHIAN EXPLORATION INC						
8236686		3410323008	RECEIVED: 06/07/82 JA: OH			
8236687		3410323008	103 107-TF E BELAK #1	MONTVILLE	73.2	COLUMBIA GAS TRAN
8236687		3410323008	103 107-TF GRUBISS-BERGSTROM #2	WESTFIELD	18.2	COLUMBIA GAS TRAN
8236688		3410323008	103 107-TF J ARNDT #1	GUILFORD	18.2	COLUMBIA GAS TRAN
8236688		3410323008	103 107-TF W SPENCE #1	MONTVILLE	54.8	COLUMBIA GAS TRAN
-BADGER OIL & GAS CO INC						
8236688		3416726582	RECEIVED: 06/07/82 JA: OH			
8236688		3416726582	107-DV ROLEY #1	DEVONIAN SHALE-SOUTHE	1.0	COLUMBIA GAS TRAN
-BECK OIL & GAS CO						
8236689		3413322355	RECEIVED: 06/07/82 JA: OH			
8236689		3413322355	103 107-TF HERMAN VOLLE #1	LAURENCE	26.0	
-BEREA OIL AND GAS CORPORATION						
8236695		3415722367	RECEIVED: 06/07/82 JA: OH			
8236695		3415722367	102 H MILLER #1	GNADENHUTTEN	26.0	ATLANTIC RICHFIELD
8236696		3411925993	103 107-TF K GRANT #4	UNION	0.0	COLUMBIA GAS TRAN
8236696		3411925993	103 107-TF P STRAUSS #1	PALMER	6.0	COLUMBIA GAS TRAN
8236695		3415722326	108 STOCKER #1	GNADENHUTTEN	5.0	ATLANTIC RICHFIELD
8236691		3415722279	108 W F MILLER #1	GNADENHUTTEN	6.0	ATLANTIC RICHFIELD
8236692		3415722280	108 W F MILLER #2	GNADENHUTTEN	6.0	ATLANTIC RICHFIELD
8236694		3415722358	108 ZIMMERMAN #1	GNADENHUTTEN	14.0	ATLANTIC RICHFIELD
-BUCKEYE OIL PRODUCING CO						
8236698		3416922085	RECEIVED: 06/07/82 JA: OH			
8236698		3416922085	108 FRANKS #2		1.0	COLUMBIA GAS DIST
8236697		3409921062	108 SCHOENI #2		21.0	EAST OHIO GAS CO
-CLINTON OIL CO						
8236699		3403123402	RECEIVED: 06/07/82 JA: OH			
8236702		3411925933	103 CORAH SCHULER #1		10.0	NATIONAL GAS & OI
8236700		3411924586	108 107-TF E KELLY #1-575	NORWICH	10.0	
8236711		3411924586	108 L AND B MCCONNELL UNITIZED #1		10.0	COLUMBIA GAS TRAN
8236711		3411924586	108 M TOTH #2		10.0	NATIONAL GAS & OI
8236703		3415721663	108 R & R MIRACLE UNIT #1		10.0	EAST OHIO GAS
-COLUMBIA GAS TRANSMISSION CORP						
8236719		3410300420	RECEIVED: 06/07/82 JA: OH			
8236711		3407504130	AUGUSTE FRANZ 7-4171	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8236722		3411503730	BEN M MILLER 703424	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8236724		3411903740	CHARLES NEWBURN ETAL 703471	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8236726		3416907890	CLIFFORD WAYNE DERRY 704750	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8236704		3400500080	D E SHAUM 703966	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8236712		3407504980	DONALD ELY DALE 704228	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8236709		3416900950	DOYLE J FULMER 704414	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8236710		3416900950	EDWARD BUGLE 703930	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8236710		3416900900	FARMERS STATE BANK 704234	NORTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8236705		3400500100	GERALD H HARPSTER 703857	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8236725		3416900790	108		H P MYERS 703850	NORTHERN DIST STE OF	5.0	COLUMBIA GAS TRAN
8236723		3411504630	108		HAZEL E KIDD 704764	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8236716		3409300210	108		HERMAN C GIST 703498	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8236715		3409300170	108		JENNIE N ROUSSEAU 703468	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8236709		3409004880	108		JESSIE VAN DYKE	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8236714		3408300050	108		JOHN ESTABROOK 703490	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8236717		3410300080	108		JOHN KRUK 703422	NORTHERN DIST STE OF	6.0	COLUMBIA GAS TRAN
8236721		3411300520	108		JOSEPH SRODEK 704366	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8236713		3408300040	108		LAURENCE E SEVERNS 703489	SOUTHERN DIST STE OF	0.7	COLUMBIA GAS TRAN
8236708		3409003540	108		LEE D GLASS 704332	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8236732		3416900960	108		LLOYD E PRIEST 704132	NORTHERN DIST STE OF	8.0	COLUMBIA GAS TRAN
8236710		3407500230	108		MARLIN L REISING 704909	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8236720		3412300430	108		MARY J GILBERT 704241	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8236728		3416900820	108		MATTHEW J KRAHER 703989	NORTHERN DIST STE OF	4.0	COLUMBIA GAS TRAN
8236706		3409500110	108		CH DIV CF FORESTRY 704348	NORTHERN DIST STE OF	16.0	COLUMBIA GAS TRAN
8236731		3416900940	108		ROGER MARTIN 703873	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8236707		3409000120	108		ROYAL J WELSH 703410	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8236718		3410300330	108		VELDA M BOWERS 704833	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8236727		3416900810	108		VIOLET C BOOTH AGT 703973	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC		3403123734	108		RECEIVED: 06/07/82 JA: OH		15.0	COLUMBIA GAS TRAN
-ENERGY DISTRIBUTORS INC		3412725582	103		RECEIVED: 06/07/82 JA: OH	GRATIOT	15.0	COLUMBIA GAS TRAN
8236734		3412725599	103		107-TF GUILLIAMS #7	GRATIOT	15.0	COLUMBIA GAS TRAN
8236735		3412725599	103		107-TF THOMAS THURN #5		36.5	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP		340921904	108		RECEIVED: 06/07/82 JA: OH	ORANGE	36.5	COLUMBIA GAS TRAN
8236736		3416320687	103		107-TF WOODGEARD #1	VINTON	36.5	COLUMBIA GAS TRAN
8236737		3416320692	103		107-TF WOODGEARD #3	SWAN	36.5	COLUMBIA GAS TRAN
8236738		3416320692	103		RECEIVED: 06/07/82 JA: OH		4.0	AMERICAN ENERGY S
-EVERFLOW EASTERN INC		3409920761	108		PAXSON #1	ELLSWORTH	0.0	
8236739		3409920761	108		WISLER #1A	GOSHEN	20.0	NATIONAL GAS & OI
8236746		3411925342	103		RECEIVED: 06/07/82 JA: OH	SALT CREEK	0.0	COLUMBIA GAS TRAN
8236741		3411925342	103		107-TF R ADAM R ECK #1A		0.0	COLUMBIA GAS TRAN
-MERALD OIL & GAS CO		3410521903	108		RECEIVED: 06/07/82 JA: OH		0.0	COLUMBIA GAS TRAN
8236742		3410521903	108		GEORGE (JACK) WARNER #1		0.0	COLUMBIA GAS TRAN
8236744		3410521903	108		KENNETH JOHNSON #1		0.0	COLUMBIA GAS TRAN
8236743		3410521903	108		ROBERT KING #2		1.0	COLUMBIA GAS TRAN
-HOLROYD PRODUCTION CO		3408720211	108		RECEIVED: 06/07/82 JA: OH		1.0	COLUMBIA GAS TRAN
8236747		3408720211	108		GILLON #1 90-7143		1.0	COLUMBIA GAS TRAN
8236746		3408720209	108		EASTON #1 90-7145		4.0	COLUMBIA GAS TRAN
8236748		3408720212	108		SMITH #1 90-7052		2.0	COLUMBIA GAS TRAN
8236745		3408720208	108		THORNTON #1 90-7146		12.0	COLUMBIA GAS TRAN
-HOPCO RESOURCES INC		3403124782	103		RECEIVED: 06/07/82 JA: OH	KEENE	12.0	COLUMBIA GAS TRAN
8236750		3411925134	108		107-TF HENRY GERRKE #1A		12.0	COLUMBIA GAS TRAN
8236751		3411925134	108		MARY ESTHER VENSIL #1		12.0	COLUMBIA GAS TRAN
8236752		3411925135	108		MARY ESTHER VENSIL #2		12.0	COLUMBIA GAS TRAN
8236749		3403124103	103		107-TF THOMAS BARCROFT #1		12.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO		3411222270	107-OV		RECEIVED: 06/07/82 JA: OH	KEENE	5.0	COLUMBIA GAS TRAN
8236761		3411222270	107-OV		C MAHONEY #1	SUMMERFIELD EAST	9.0	NATIONAL GAS & OI
8236766		3411924484	107-RT		C RATLIFF #1	NEWTON	3.9	NATIONAL GAS & OI
8236781		3412725386	103		107-TF CHARLES & VIOLA FEHRMAN #1	BEARFIELD	7.8	NATIONAL GAS & OI
8236779		3412724592	107-TF		CHARLES & VIOLA FEHRMAN #1	CLAYTON	10.0	NATIONAL GAS & OI
8236782		3412725421	103		107-TF CLYDE BUTTS #1			

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JOB NO	JA DKT	API NO	C SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8236767		3411924676	103	107-TF	D SMITH #2	HARRISON	6.0	NATIONAL GAS & OI
8236769		3408923709	103	107-TF	G ROBERTS #2	HANOVER	6.0	NATIONAL GAS & OI
8236778		3411925853	103	107-TF	H & R SHEPPARD #2	NEWTON	10.0	NATIONAL GAS & OI
8236762		3411122437	107-OV		HARRY SMITH #1	SUMMERFIELD EAST	5.0	COLUMBIA GAS TRAN
8236776		3411925616	103	107-TF	HERMAN & ALITA CROCK #2	NEWTON	6.0	NATIONAL GAS & OI
8236772		3411925145	107-TF		HERMAN CROCK #1	NEWTON	12.0	NATIONAL GAS & OI
8236777		3411925783	103	107-TF	HERMAN CROCK #3	NEWTON	36.0	NATIONAL GAS & OI
8236780		3412724953	103	107-TF	KATHRYN COMBS #1	BEARFIELD	3.0	NATIONAL GAS & OI
8236774		3411925465	103	107-TF	L MILL 1A	BRUSCH CREEK	10.0	NATIONAL GAS & OI
8236768		3411924862	103	107-TF	LINDAMOOD #1	SALT CREEK	7.2	NATIONAL GAS & OI
8236765		3411924334	D	107-RY	QUINCY MEREW #1	NEWTON	5.0	NATIONAL GAS & OI
8236789		3411924883	103	107-TF	R HAYES #1A	SPRINGFIELD	5.0	NATIONAL GAS & OI
8236757		3408923439	103	107-RT	R LINN #1	HANOVER	3.0	NATIONAL GAS & OI
8236758		3408923641	103	107-TF	R LINN #2	HANOVER	1.0	NATIONAL GAS & OI
8236770		3411925046	107-TF		R RUCKER #3	LEWISVILLE SOUTH	15.0	NATIONAL GAS & OI
8236760		3411121961	107-OV		R WILLIAMS #1	CLAY	15.0	NATIONAL GAS & OI
8236771		3411925115	103	107-TF	SWINGLE HEIRS #2	CLAY	6.0	NATIONAL GAS & OI
8236775		3411925600	103	107-TF	SWINGLE HEIRS #3	CLAY	15.0	NATIONAL GAS & OI
8236764A		3411924261	103	THE IMLAY CO #1	NEWTON	15.0	NATIONAL GAS & OI	
8236764B		3411924261	D	107-RT	THE IMLAY CO #1	NEWTON	15.0	NATIONAL GAS & OI
8236773		3411925427	107-TF		WILLIAM FORTNER #1	NEWTON	5.0	NATIONAL GAS & OI
8236763		3411122726	107-OV		ZELMA MYERS #1	LEWISVILLE SOUTH	26.0	COLUMBIA GAS TRAN
-IRVIN PRODUCING COMPANY				RECEIVED:	06/07/82	JA: OH		
8236763		3411925772	103	107-TF	FRANK GIBSON #1	SPRINGFIELD	10.0	COLUMBIA GAS TRAN
8236784		3411926236	103	107-TF	RICHARD TAYLOR #1	GRATIOT	10.0	NATIONAL GAS & OI
-J P WHITE				RECEIVED:	06/07/82	JA: OH		
8236856		3407721404	107-TF		T & I MOSLEY #1	SHEFFIELD	50.0	OHIO GAS CO
-JONSU OIL CORP				RECEIVED:	06/07/82	JA: OH		
8236785		3403124711	103		ARTHUR #1	SPRING MOUNTAIN	4.0	
-K S Y OIL & GAS CO INC				RECEIVED:	06/07/82	JA: OH		
8236786		3401921318	103	107-TF	GARTRELL #3	ORANGE	0.0	REPUBLIC STEEL CO
8236791		3415521811	103	107-TF	GRAND VALLEY #12	TRUMBULL	0.0	REPUBLIC STEEL CO
8236792		3415521812	103	107-TF	GRAND VALLEY #11	BLOOMFIELD	0.0	REPUBLIC STEEL CO
8236790		3415521810	103	107-TF	GRAND VALLEY ENTERPRISES INC #9	BLOOMFIELD	0.0	REPUBLIC STEEL CO
8236795		3415723395	103	107-TF	M BREYER #3	YORK	0.0	
8236793		3415723383	103	107-TF	JOHN EDWARD FOWLER (MINERALS)	WARREN	0.0	
8236787		3415325823	103	107-TF	MARY TEEL #1	NORTHAMPTON	0.0	
8236788		3415325867	103	107-TF	R C QUINE #2	NORTHAMPTON	0.0	
8236794		3415720339	103	107-TF	T V BREYER #5	YORK	0.0	
8236789		3415321044	103	107-TF	UNDERWOOD #1	NORTHAMPTON	0.0	
-KENOIL				RECEIVED:	06/07/82	JA: OH		
8236796		3416922923	107-TF		EMIL CROFT #1	CRESTON	7.0	COLUMBIA GAS TRAN
-LANDPROVEST INC				RECEIVED:	06/07/82	JA: OH		
8236797		340592314C	107-TF		FOLEY #2	CAMBRIDGE	50.0	
-LEADER EQUITIES INC				RECEIVED:	06/07/82	JA: OH		
8236798		3411926158	103	107-TF	CASEY #1	JACKSON	14.0	
-M B OPERATING CO INC</								

JD '80	JA CRT	API NO	D SEC(1)	SEC(2)	WELL NAME	VOLUME	677	PAGE	004	PROD	PURCHASER
-MUSTANG PETROLEUM INC		341672639	107-DV	06/07/82	CLARENCE B PAYNE #1	25.9					
-NOBLE OIL CORP		3413321926	107-RT	06/07/82	D & N SMITH #1	20.0					GENERAL ELECTRIC
8236806		3413322138	107-TF		DRIA #2	20.0					GENERAL ELECTRIC
8236807		3413322139	107-TF		DRIA #4	20.0					GENERAL ELECTRIC
8236808		3413322139	107-TF		FOSTER #1	20.0					GENERAL ELECTRIC
8236805		3413321969	107-RT	06/07/82	GRAZIANO #4	20.0					COLUMBIA GAS TRAN
-OHIO OIL & GAS CO		3415522046	107-TF		PHILLIPS #2	20.0					COLUMBIA GAS TRAN
8236815		3415522131	107-TF		ROBERTS #1	20.0					COLUMBIA GAS TRAN
8236816		3415522031	107-TF		TRUPE #1	20.0					COLUMBIA GAS TRAN
8236814		3415522005	107-TF		WILLIAMS #1	20.0					COLUMBIA GAS TRAN
8236812		3415522022	107-TF		E ROBINS #2	0.0					
8236813		3415522022	107-TF		E ROBINS #3	0.0					
-ONEAL PETROLEUM INC		3415922029	107-DV	06/07/82	107-TF VERNON SUMERS #1	11.0					
8236811		3415922028	107-DV		DENZELL WELSH #2	1.4					COLUMBIA GAS TRAN
8236810		3415922028	107-DV		GRASS #1	10.9					
-OXFORD OIL CO		3411926196	107-DV	06/07/82	DREWS #1	4.2					
8236817		3411926196	107-DV		DREWS #2	4.2					
-PETRO-LEWIS CORPORATION		3411521671	107-DV	06/07/82	FERGUSON #1	4.1					COLUMBIA GAS TRAN
8236833		3411521671	107-DV		HANASAR #2	2.7					
-POI ENERGY INC		3417721116	107-DV	06/07/82	HANASAR #1	6.6					COLUMBIA GAS TRAN
8236827		3413322718	107-DV		L HAWKINS #3	2.3					
8236828		3413322718	107-DV		LARLAM #1	3.6					COLUMBIA GAS TRAN
8236829		3413322748	107-DV		LOWDER #1	3.6					COLUMBIA GAS TRAN
8236821		3417522167	107-DV		LOWDER #2	2.8					
8236825		3417721080	107-DV		MILLER-STOLIZFUS #1	3.2					
8236826		3417721082	107-DV		RHOA #1	2.4					
8236824		3417522772	107-DV		RHOA #2	3.1					
8236831		3413321917	107-DV	06/07/82	ROSSEGO #1	100.0					EAST OHIO GAS CO
8236822		3417522170	107-DV		YURASZ #1	4.2					YANKEE RESOURCES
8236823		3417522302	107-DV		EPLE #1-20	4.0					YANKEE RESOURCES
8236832		3413321859	107-DV	06/07/82	P C C & ST L R R #1	4.7					YANKEE RESOURCES
8236818		34175221081	107-DV		R SCHUSS #5 (SHUSS)	12.0					COLUMBIA GAS TRAN
8236819		3417721184	107-DV		ROBERT LINT #1	12.0					COLUMBIA GAS TRAN
8236830		3413322087	107-DV		WALTER ALBAUGH #1	12.0					COLUMBIA GAS TRAN
8236820		3417721191	107-DV		WALTER ALBAUGH #1	21.9					
-QUADRANT EXPLORATION		3416726718	107-DV	06/07/82	107-TF BOWMAN #2	1.0					CHESTER
8236834		3415721565	107-DV		107-TF BOWMAN #3	1.0					CHESTER
-RESOURCE EXPLORATION INC		3415721565	107-DV		107-TF SCHROCK #1	1.0					GREEN
8236837		3415721565	107-DV		107-TF W BOVERS #2	1.0					PLAIN
8236835		3415721567	107-DV		107-TF W BOVERS #2	21.9					
8236838		3415721567	107-DV		107-TF W BOVERS #2	1.0					CHESTER
8236836		3415721553	107-DV		107-TF W BOVERS #2	1.0					CHESTER
-RIMCO OPERATING INC		3416923173	107-DV	06/07/82	107-TF BOWMAN #2	1.0					CHESTER
8236841		3416923173	107-DV		107-TF BOWMAN #3	1.0					CHESTER
8236842		3416923174	107-DV		107-TF SCHROCK #1	1.0					GREEN
8236843		3416923179	107-DV		107-TF W BOVERS #2	1.0					PLAIN
8236839		3416922979	107-DV		107-TF W BOVERS #2	21.9					
-SANDHILL ENERGY INC (OH)		3416726396	107-DV	06/07/82	107-TF BOWMAN #2	1.0					CHESTER
8236843		3416726396	107-DV		107-TF BOWMAN #3	1.0					CHESTER
-TOWNER PETROLEUM CO		3415923149	107-DV	06/07/82	107-TF BOWMAN #2	1.0					CHESTER
8236849		3415923149	107-DV		107-TF BOWMAN #3	1.0					CHESTER
8236851		3412122037	107-DV		107-TF BOWMAN #3	1.0					CHESTER



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JD NO	JA LKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
8236845		3405922274	108		BURROUGHS #1	GUERNSEY	14.0	EAST OHIO GAS
8236844		3405922240	108		DAUGHERTY #1	GUERNSEY	13.0	EAST OHIO GAS
8236846		3405922409	108		E MCCracken	GUERNSEY	1.0	TENNESSEE GAS PIP
8236852		3412122388	108		G RICHIE #1	RICHLAND	5.0	EAST OHIO GAS CO
8236850		3412121672	108		J REED #1	OLIVE	14.0	EAST OHIO GAS
8236848		3405922529	108		KENMAN #1	GUERNSEY	12.9	EAST OHIO GAS
8236847		3405922496	108		R DEAN #2	GUERNSEY	4.0	TENNESSEE GAS PIP
8236853		3412122397	108		SCHAFER	OLIVE	6.6	EAST OHIO GAS CO
-UNITED PETROLEUM CORP			RECEIVED:	06/07/82	JA: OH			
8236854		3409920928	107-RY		BRUNNER #1	GOSHEN	350.0	COLUMBIA GAS TRAN
-VALENTINE OIL PROPERTIES			RECEIVED:	06/07/82	JA: OH			
8236855		3416722845	108		S S CHAMBERS #1		0.4	RIVER GAS CO
-VICTOR MCKENZIE			RECEIVED:	06/07/82	JA: OH			
8236804		3412725284	103		107-TF RUTH SHULTZ #1	HARRISON	5.0	COLUMBIA GAS TRAN
-W H HAAS			RECEIVED:	06/07/82	JA: OH			
8236753		3405320483	102-4		EDGAR COOK #1	PERRY	29.2	
8236754		3405320570	102-4		GILLIAM UNIT #1	PERRY	365.0	
8236755		3405320632	102-4		MELVIN IRWIN #2	RACCOON	1095.0	
8236756		3405320636	102-4		WENDELL HOOVER #1	PERRY	400.0	
-WORTHINGTON OIL COMPANY INC			RECEIVED:	06/07/82	JA: OH			
8236857		3408924308	107-DV		FARMCO #5	NEWARK NORTH	11.0	COLUMBIA GAS TRAN
-WRAY PETROLEUM CORP OF OHIO			RECEIVED:	06/07/82	JA: OH			
8236862		3405320637	102-4		DAVID ALTIZER #1	PERRY	1277.0	
8236858		3405320402	102-4		HUNTINGTON BEAGLE CLUB #1	PERRY	1460.0	
8236859		3405320404	102-4		LUTHER FERGUSON #1	PERRY	456.3	
8236860		3405320485	102-4		MASSEY UNIT #1	PERRY	1825.0	
8236861		3405320492	102-4		MELVIN IRWIN #1	PERRY	29.0	

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 16, 1982.

Categories within each NGPA section are indicated by the following codes:

- Section 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease
- Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressed brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation
- Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,  
Secretary.

FR Doc. 82-17845 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

#### [Project No. 5715-000]

#### Alaska Power Authority; Application for License (Over 5 MW)

June 28, 1982.

Take notice that the Alaska Power Authority (Applicant) filed on December 4, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the Black Bear Lake Project No. 5715. The project would be located on Black Bear Creek in the Tongass National Forest near the Towns of Klawock, Craig, and Hydaburg, Alaska. Correspondence with the Applicant should be directed to: Mr. Eric P. Yould, Executive Director, Alaska Power Authority, 334 West 5th Ave., Anchorage, Alaska 99501.

**Project Description**—The proposed project would consist of: (1) A 53-foot-high, 368-foot-long concrete gravity dam at the outlet of Black Bear Lake forming; (2) a reservoir with a surface area of 241 acres and a usable storage capacity of 6,850 acre-feet at normal maximum water surface elevation 1,715 feet; (3) a power conduit consisting of 308 feet of 48-inch-diameter buried steel penstock, a 48-inch-diameter, 1,316-foot concrete lined shaft, a 30-inch-diameter, 1,850-foot-long steel penstock located in an 8-foot-diameter tunnel, and 960 feet of 30-inch-diameter buried steel penstock; (4) a powerhouse at elevation 253 feet containing two generating units with a total installed capacity of .8 MW; (5) a substation adjacent to the powerhouse; (6) 53 miles of 34.5-kV and 12.5-kV transmission lines to the towns of Klawock, Craig, and Hydaburg; (7) a 2-mile-long access road to the vicinity of the powerhouse; and (8) recreation facilities including a boat ramp on Black Lake, a 2,000-foot-long fishing access trail, and an interpretive structure. Applicant estimates that the project would generate an average of 23,700 MWh and cost \$30,900,000 in 1981 dollars.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before September 3, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in section 4.33(c) or section 4.101 et seq. (1981).

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 3, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of

the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Alaska Coastal Management Program**—The Division of Policy and Development and Planning, State of Alaska, is reviewing this project for consistency with the approved Alaska Coastal Management Program (ACMP). Comments concerning the ACMP should be sent to: State Clearinghouse, Office of the Governor, Pouch AW, Juneau, AK 99811.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17780 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

#### [Docket No. SA82-25-000]

#### Amoco Production Co.; Application for Staff Adjustment

June 23, 1982.

On June 3, 1982, Amoco Production Company (Amoco), 500 Jefferson Building, Post Office Box 3092, Houston, Texas 77001 filed as application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432, (Supp. IV 1980), and section 1.41 of the Federal Energy Regulatory (Commission) Rules of Practice and Procedure. Specifically, Amoco Seeks an adjustment from section 273.204 of the Commission's regulations.

Amoco States that it would suffer inequity if unable to collect the section 102 price from natural gas sales in place of the section 109 price from the Teledyne "17" Well No. 1 (Teledyne) for the period between March 21, 1979 and January 16, 1981. The difference in price is \$1,284,821. Amoco states that it failed to file timely its section 102 application with the jurisdictional agency prior to beginning its sale of gas for the Teledyne Well producing from the Atoka formation because it had previously filed a section 102 application for the Teledyne Well producing from the Morrow formation. Amoco states that good faith oversight

and confusion caused by the initial administrative burdens placed upon its personnel by the complexities of the NGPA resulted in the untimely filing.

Amoco bases its legal argument on the presence of inequity, especially if the Commission expects refunds in this instance when it did not require refunds for a supposedly similar section 103 situation. (Order No. 149, Docket No. RM81-31, issued May 28, 1981).

The procedures applicable to the conduct of this adjustment proceeding are found in section 1.41 of the Commission's Rules of Practice and Procedure. Order No. 24, issued March 22, 1979 (44 F.R. 18961, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of section 1.41. All petitions to intervene must be filed on or before July 16, 1982.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-17765 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP82-346-000]**

**Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Application**

June 24, 1982.

Take notice that on May 25, 1982, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP82-346-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of taps and related facilities on certain jurisdictional gas pipelines, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate taps on the lines identified below adjacent to the following described homes and commercial establishments:

Line	Home or commercial establishment
F-497.....	Emmett L. Colvin, Box 287, Route 1, Ruston, Louisiana.
635.....	Norman Morrison, Route 4, Box 112, Coal-gate, Oklahoma.

It is asserted that Applicant is requested by local and state authorities to provide natural gas service to persons

who live outside of Applicant's distribution systems. Applicant explains that to provide such service it is necessary to tap a jurisdictional pipeline.

It is stated that the estimated cost of a typical tap and related facilities is less than \$1,000 to be financed from funds on hand. It is further asserted that gas supply for these customers would be from general system supply with impact on Applicant's supply being negligible.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (13 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-17766 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Project No. 6168-000]**

**Richard Bean & Fred Castagna; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity**

June 25, 1982.

Take notice that on April 5, 1982, Richard Bean and Fred Castagna (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6168) would be located on Mill Creek, near Burnt Ranch, in Trinity County, California, and occupy U.S. lands within Shasta-Trinity National Forest. Correspondence with the Applicant should be directed to: Fred G. Castagna, 2576 Hartnell Avenue, Redding, California 96002.

**Project Description**—The proposed project would consist of: (1) a 6-foot-high, 66-foot-long steel and concrete diversion structure; (2) a concrete intake structure; (3) a 145-foot-long steel pipe; (4) a sediment trap; (5) a 4,222-foot-long steel pipe; (6) a 3,077-foot-long steel penstock; (7) a powerhouse containing one generating unit rated at 1500 KW; and (8) a 300-foot-long transmission line. The average annual energy generation is estimated to be 5.9 million kWh.

**Purpose of Exemption**—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

**Agency Comments**—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none.

Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Competing Applications**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 16, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before August 16, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing,

Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17781 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-338-000]

### Colorado Interstate Gas Co., Montana-Dakota Utilities Co.; Application

June 24, 1982.

Take notice that on May 20, 1982, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, and Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP82-338-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the mutual exchange of natural gas in the Madden Field area, Fremont and Natrona Counties, Wyoming, and a one-time accounting balance of non-redelivered exchange supplies between CIG and MDU, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that CIG and MDU have exchanged gas supplies in their respective gathering systems in the Madden Field area, Fremont and Natrona Counties, Wyoming, pursuant to a gas exchange agreement dated October 27, 1978 (the Madden Agreement). It is further submitted that the Madden Agreement provided that CIG and MDU may deliver volumes of gas to one another from various sources of supply which are remote from one party's gathering system but proximate to the other's in the Madden Field area. Applicants assert that because of the configurations of their gathering systems and an unequal number of connections, maintaining the Madden Agreement in balance with the gathering system became infeasible, and, therefore, the Madden Agreement was amended on January 1, 1982, so as to provide that any imbalances which might occur would be redelivered on a thermally equivalent basis at the existing interconnection of Applicants' main transmission lines in Section 29, Township 39 North, Range 90 West, Fremont County, Wyoming.

It is further stated that exchange imbalances have accrued under a gas

transportation and exchange agreement between CIG and MDU (the Fuller Agreement) which is on file with the Commission in Applicants' FERC Gas Tariffs as CIG's Rate Schedule X-22 in Original Volume No. 2 and MDU's Rate Schedule T-1 in First Revised Volume No. 2. In order to facilitate the expeditious and equitable balancing of the Fuller and Madden Agreements, Applicants request authority for a single accounting balance of equivalent volumes under these exchanges. Applicants assert that subsequent to this proposed balancing, they would be able to maintain these exchanges in balance independently.

It is further asserted that at the time of balancing, CIG would pay the transportation fees due for gas accounted for under the Fuller Agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 82-17767 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-342-000]

**Consolidated Gas Co. of Florida, Inc.,  
and Florida Gas Transmission Co.,  
Application**

June 23, 1982.

Take notice that on May 21, 1982, Consolidated Gas Company of Florida, Inc. (Applicant), 9301 SW 56th Street, Miami, Florida 33165, filed in Docket No. CP82-342-000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Florida Gas Transmission Company (Respondent) to establish an interconnection of its facilities with those proposed by Applicant and to sell and deliver to Applicant up to 1,200 Mcf of gas per day for resale and distribution in accordance with the applicable terms and conditions of Respondent's FERC Gas Tariff, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it is in the business of owning and operating an underground liquefied petroleum (propane) gas distribution system, presently providing monthly metered gas service to approximately 2,090 residential and 10 small commercial accounts in Dade County, Florida. It is further submitted that Applicant purchases its entire supply of propane gas from Warren Petroleum Company, a subsidiary of Gulf Oil Corporation.

Applicant asserts that it has experienced low pressure problems during the winter heating seasons, coupled with shortages and uncertainties of supply of propane gas required for Applicant to provide continuing reliable service to its existing high priority market.

Applicant, therefore, proposes that Respondent be directed to provide a delivery point to Applicant by constructing a supply line to Applicant's existing storage site/regulator station from the existing transmission facilities of Respondent which are presently located approximately 3,500 feet from Applicant's existing regulator station. Applicant further proposes that Respondent provide the necessary gate station, regulation and metering equipment to be located on land owned by Applicant at Applicant's present storage site.

Applicant states that it intends to connect its existing underground gas distribution system consisting of approximately 150,000 feet of 1-inch through 4-inch welded steel gas main and approximately 125,000 feet ¾-inch welded steel service lines to the new supply line and measuring facilities to be provided by Respondent. Applicant further states that it would provide and operate the required regulation equipment, relief valves and odorization equipment at its cost, and to convert all customer-owned applicances from propane to natural gas at its cost.

Applicant further requests that Respondent be directed to provide to Applicant up to 1,200 Mcf of natural gas per day and 900,000 Mcf of natural gas per year.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 29426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 82-17768 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-370-000]

**El Paso Natural Gas Co.; Application**

June 24, 1982.

Take notice that on June 9, 1982, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP82-370-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation on a best efforts basis of up to 15,000 Mcf of natural gas per day for Phillips Pacific Chemical Company (Phillips) and the delivery of such natural gas to Northwest Pipeline Corporation (Northwest) for Phillips' account, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on a best efforts basis up to 15,000 Mcf of natural gas per day for Phillips and to deliver such natural gas to Northwest, for Phillips' account, at an existing point of interconnection between the pipeline systems of Applicant and Northwest located in La Plata County, Colorado. It is stated that Phillips currently owns and operates an anhydrous ammonia plant in Benton County, Washington (Coulee plant) and that the utilization of natural gas as feedstock at the plant is an essential agricultural use. It is further stated that Phillips advised Applicant that the cost of natural gas has increased to levels which make anhydrous ammonia operation of its Coulee plant uneconomical and that in order to provide an economical source of natural gas Phillips and Southern Union Gathering Company (Gathering Company) entered into a contract dated May 12, 1982, for the sale and purchase of natural gas. Pursuant to the terms of said contract, Phillips would purchase natural gas supplies in excess of Gathering Company's market requirements. It is further stated that Phillips entered into separate transportation agreements with Applicant and Northwest which collectively provide for the transportation of such gas from its source in New Mexico to the Coulee plant. Pursuant to the transportation agreement, Applicant would receive volumes of natural gas from Gathering Company for Phillips account in San Juan County, New Mexico, and concurrently deliver such gas to Northwest at a point in La Plata County, Colorado, from which point Northwest would transport and redeliver such gas to Phillips at the Coulee plant.

It is stated that the transportation agreement would commence with the date of initial deliveries and extend for a primary term of 6 months and month to month thereafter up to a total of 5 years from the date of initial delivery. It is explained that Applicant's obligation to accept and transport natural gas under the agreement is limited to that volume which Applicant determines it has available existing capacity to accept, transport and redeliver on that day and that in no event shall Applicant be obligated to accept volumes in excess of 15,000 Mcf of natural gas per day. It is stated that the transportation agreement further limits Applicant's transportation obligations by providing that if on any day Applicant should determine that the transportation capacity of its facilities is insufficient to transport all volumes of natural gas tendered by Phillips and for other

shippers under similar transportation agreements, Applicant would allocate the available transportation capacity *pro rata* among all such similarly situated shippers according to the volumes scheduled to be tendered by such shippers.

Applicant recognizes that from time to time a temporary imbalance may be created between the volumes of natural gas which it receives and the volumes of natural gas that it delivers under the transportation agreement and notes that the parties have agreed to eliminate any imbalance as soon as practical.

For such transportation service Applicant would charge Phillips initially 3.98 cents per Mcf. Applicant states that such rate is comprised of a 3.82 cents per Mcf short haul charge as reflected in Applicant's general rate increase pending at Docket No. RP82-33, plus 0.16 cent per Mcf attributable to the additional GRI surcharge increment which was approved by the Commission in its order issued December 28, 1981, in Docket No. RP81-72, effective January 1, 1982. It is stated that upon the effectiveness of the tariff sheets pending at Docket No. RP82-33, Phillips would pay Applicant the short haul charge which would be reflected from time to time in sheet No. 1-D.2 of Applicant's FERC Gas Tariff, Volume No. 2.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public

convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 82-17770 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Project No. 5894-000]

#### **Town of Granby, Colorado; Application for Preliminary Permit**

June 25, 1982.

Take notice that the Town of Granby, Colorado (Applicant) filed on January 19, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5894 to be known as the Granby Dam Project located on the Colorado River in Grand County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Stan Cazier, Community Building, O and Jasper, Box 17, Granby, Colorado 80446.

**Project Description**—The proposed project would utilize the existing Bureau of Reclamation's Granby Dam and would consist of: (1) a newly constructed powerhouse containing one or more generating units having a total rated capacity of 8.6 MW; (2) one mile of 69-kV transmission line; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 23.2 GWh. The most likely market for the energy derived at the proposed project would be The Public Service Company of Colorado or an REA.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$35,000.

**Competing Applications**—This application was filed as a competing application to ENERGENICS SYSTEMS, INC.'s application for Project No. 5574 filed on October 28, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR § 4.30 et. seq. or § 4.101 et seq. (1981), as appropriate].

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 29, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 82-17782 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Project No. 6399-000]**

**Green Mountain Power Corp.,  
Application for Preliminary Permit**

June 28, 1982.

Take notice that the Green Mountain Power Corporation (Applicant) filed on June 1, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6399 to be known as the Montpelier Project located on the Winooski River in Washington County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ray DeForge, P.O. Box 486, Montpelier, Vermont 05602.

**Project Description**—The proposed project would consist of two inoperable hydroelectric projects known as No. 4 and No. 5.

No. 4 would consist of: (1) an existing rehabilitated concrete gravity type dam with a total length of 227 feet, a spillway length of 152 feet, 20 feet high at the spillway and 6 and 8-foot-high at the left and right spillway abutments, respectively; (2) a small reservoir covering 4 acres with 4 acre-feet of storage; (3) a new 2,900-foot-long and 7-foot-diameter penstock on the north bank; (4) a new powerhouse containing turbine/generator units with an estimated capacity of 1,500 kW under a head of 50 feet; and (5) appurtenant facilities.

No. 5 would consist of: (1) a reconstructed concrete gravity dam with a total length of 174 feet, a spillway length of 143 feet, 15 feet high at the spillway and 8-foot-high at the left and right abutments; (2) a small reservoir covering 4 acres with 12 acre-feet of storage; (3) a new powerhouse constructed as part of the dam containing turbine/generator units with a total installed capacity of 600 kW under a head of 20 feet; and (4) appurtenant facilities.

The total average annual generation of 6.75 million kWh would be used by the Applicant in its own utility system.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would

perform surveys and geological investigations, determine the economic feasibility of the project reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$25,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 4, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before September 7, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or section 4.101 et seq. (1981), as appropriate].

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 7, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the

Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 82-17783 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Project No. 6398-000]**

**Hackett Mills Hydro Associates;  
Application for Preliminary Permit**

June 25, 1982.

Take notice that Hackett Mills Hydro Associates (Applicant) filed on June 2, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6398 to be known as the Hackett Mills Project located on the Little Androscoggin River in Poland and Minot, Androscoggin County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Wayne L. Rogers, President, Synergics, Inc., 1444 Foxwood Court, Annapolis, Maryland 21401.

**Project Description**—The proposed project would utilize existing facilities and would consist of: (1) an 8-foot-high, 120-foot-long, rock-filled timber-crib dam with new 2-foot-high flashboards to be added; (2) a reservoir with no storage capacity and a normal water surface elevation with flashboards of 237 feet m.s.l.; (3) canal headworks; (4) a 100-foot-long, 25-foot-wide, 6-foot-deep power canal; (5) a powerhouse containing two, existing, hydromechanical units to be reconditioned and connected to new generators with a rated capacity of 115-kW each and an additional new turbine-generator unit to be installed with a rated capacity of 220-kW; (6) a transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,000,000 kWh. The project is owned



by Mr. Norman LePage of Lewiston, Maine.

**Proposed Scope and Cost of Studies Under Permit**—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be \$35,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 4, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before September 2, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 2, 1982.

**Filing and Service of Response Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION",

"COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17784 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Project No. 3289-001]

#### Hydro Corp. of Pennsylvania; Surrender of Preliminary Permit

June 23, 1982.

Take notice that Hydro Corporation of Pennsylvania, Permittee for the Alvin R. Bush Project No. 3289 located on the Kettle Creek in Clinton County, Pennsylvania, has requested that its preliminary permit be terminated. The preliminary permit was issued on February 6, 1981, and would have expired on July 31, 1982. The Permittee states that the net energy produced would not compensate for the development costs that would be involved.

Hydro Corporation of Pennsylvania's request was dated February 1, 1982. The surrender of the permit for Project No. 3289 is in the public interest and is accepted as of the date of issuance of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17771 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Project No. 3531-002]

#### Hydro-Manufacturing, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 25, 1982.

Take notice that on February 1, 1982, Hydro-Manufacturing, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 as amended), for

exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 3531 would be located on Branch River in Providence County, Rhode Island. Correspondence with the Applicant should be directed to: Hydro-Manufacturing, Inc., 160 Plainfield Street, Providence, Rhode Island 02909, Attn: William G. Grande, Secretary/Treasurer, and Halliwell Associates, Inc., 865 Waterman Avenue, East Providence, Rhode Island 02914, Attn: Steven Krous, Project Manager.

**Project Description**—The proposed project would be run-of-the-river, utilizing the site of the old Stamina Mill complex, and would consist of: (1) the existing Forestdale Pond Dam, 108.5 feet long and 16.5 feet high, constructed of granite blocks and provided with a spillway and 2-foot-high flashboards; (2) a reservoir having minimal pondage; (3) a concrete forebay; (4) an intake structure with new headgates and trashracks; (5) two 4-foot-diameter steel penstocks, 60 feet long, leading to (6) a powerhouse containing two turbine-generator units having a total rated capacity of 235 kW; (7) a tailrace just downstream of the dam; (8) a 3,000-foot-long, 23-kV transmission line connecting to an existing sub-station; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,388,616 kWh. Project energy would be sold to the Blackstone Valley Electric Company.

**Purpose of Exemption**—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

**Agency Comments**—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State of Rhode Island Division of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any

comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Competing Applications**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 16, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 16, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A

copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17785 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6280-000]

### Edward W. Kelly; Application for Preliminary Permit

June 28, 1982.

Take notice that Edward W. Kelly (Applicant) filed on May 3, 1982, and revised on May 24, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6280 to be known as the Croton River Project located on the East Branch of the Croton River in the Town of Southeast, Putnam County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen F. Burke, 620 Washington Avenue, Rensselaer, New York 12144.

**Project Description**—The proposed project would utilize existing Applicant-owned facilities consisting of: (1) A 22-foot-high, 100-foot-long masonry overflow gravity-type dam having crest elevation 272.7 feet USGS and having a 20-foot-long sluice and spillway section at the left (south) bank; (2) a reservoir having a surface area of 11.5 acres and a storage capacity of 100 acre-feet; (3) a forebay along the right bank contained by a 90-foot-long stone wall and a 10-foot-long, 24-foot-high concrete intake structure each having crest elevation 274.5 feet USGS; (4) two 48-inch diameter reinforced concrete penstocks having a combined total length of about 1500 feet; and (5) miscellaneous appurtenances.

Applicant proposed to redevelop the existing facilities and would: (1) rehabilitate a 150-foot-long or a 1,500-foot-long penstock; (2) construct a powerhouse containing three generating units having a total rated capacity of 255-kW at a head of 20 feet or a capacity of 510-kW at a head of 39 feet and a flow of 180 cfs; (3) construct a tailrace; and (4) construct a 150-foot-long or a 300-foot-long 4.16-kV transmission line.

Project energy would be used within Applicant's facilities or would be sold to New York State Electric and Gas Corporation. Applicant estimates that the average annual energy output would be between 1,425 MWh and 2,780 MWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform hydrological, structural, economic and environmental studies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be \$30,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 4, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before September 3, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules and may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 3, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the

Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17794 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

**[Project No. 6257-001]**

**McCloud Community Services District; Application for Preliminary Permit**

June 28, 1982.

Take notice that McCloud Community Services District (Applicant) filed on June 4, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6257 to be known as the Squaw Valley Creek Project located on Intake Spring and Upper Elk Spring near McCloud in Siskiyou County, California. The proposed project would affect U.S. lands in Shasta National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ronnie N. Clifford, Winzler and Kelly Consulting Engineers, 633 Third Street, Eureka, California 95501.

**Project Description**—The proposed project would consist of: (1) an existing 10-foot-high diversion structure at the Intake Spring; (2) a 17,000-foot-long, 16-inch-diameter steel penstock carrying water diverted from Intake Spring; (3) an existing 10-foot-high diversion structure at the upper Elk Spring; (4) a 8,000-foot-long, 16-inch-diameter steel penstock carrying water diverted from Upper Elk Spring; (5) a powerhouse with a total installed capacity of 700kW; and (6) a 5000-foot-long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 6.1 million KWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a

preliminary permit for a duration of 36 months during which it would conduct engineering, environmental and economic studies, conduct negotiations with PG&E for sale of power generated from project; and prepare an FERC license application. The cost of conducting these studies is estimated to be \$50,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 4, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before September 7, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 cfr 4.30 et. seq. or 4.101 et. seq. (1981), as appropriated].

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 7, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17786 Filed 6-30-82; 8:45 am]  
BILLING CODE 6717-01-M

**[Project No. 6395-000]**

**Lawrence J. McMurtrey; Application for Preliminary Permit**

June 28, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on June 2, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a) 825(r)] for Project No. 6395 to be known as the Bedal Creek and Chocwich Creek Project located on Bedal and Chocwich Creeks in Snohomish County, near Darrington, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122—196th N.E., Redmond, Washington 98052.

**Project Description**—The proposed project would consist of: (1) two intake structures; (2) 9,000 feet of 30-inch-diameter combination pipeline/penstock; (3) a powerhouse with a proposed rated capacity of 1.65 MW operating under a head of 968 feet; and (4) a 14-mile-long, 115-kV transmission line. The estimated average annual energy production is 9.4 GWh. The project would be located in the Snoqualmie—Mt. Baker National Forest.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 3, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued

October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before September 3, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than November 2, 1982.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 3, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A

copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-17787 Filed 6-30-82; 8:45 am]

**BILLING CODE 6717-01-M**

**[Project No. 6392-000]**

**Lawrence J. McMurtrey; Application for Preliminary Permit**

June 28, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on June 2, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-8a25(r)] for Project No. 6392 to be known as the Jim Creek Project located on Little Jim and Big Jim Creeks in Snohomish County, near Darrington, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122-196th NE., Redmond, Washington 98052.

**Project Description**—The proposed project would consist of: (1) two intake structures; (2) 16,000 feet of 36-inch-diameter combination pipeline/penstock; (3) a powerhouse with a proposed rated capacity of 3.75 MW operating under a head of 944 feet; and (4) a 1-mile-long, 115-KV transmission line. The estimated average annual energy production is 19.75 GWhs. The project would be located within a Naval Reservation area in the Snoqualmie-Mt. Baker National Forest.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 7, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file

an application for license or exemption must be submitted to the Commission on or before September 7, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 C.F.R. 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than November 8, 1982.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 7, 1982.

**Filing and Service of Responsive of Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17788 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-m

**[Project No. 6394-000]**

**Lawrence J. McMurtrey; Application for Preliminary Permit**

June 28, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on June 2, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 6394 to be known as the Falls Creek Project located on Falls Creek in Snohomish County, near Darrington, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122-196th NE., Redmond, Washington 98052.

**Project Description**—The proposed project would consist of: (1) three intake structures; (2) 17,000 feet of 36-inch-diameter combination pipeline/penstock; (3) a powerhouse with a proposed rated capacity of 3.46MW operating under a head of 1,223 feet; and (4) an 11-mile-long, 115-KV transmission line. The estimated average annual energy production is 15.45GWWhs. The project would be located in the Snoqualmie-Mt. Baker National Forest.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 7, 1982, the competing application itself or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before September 7, 1982, and should specify the type of application forthcoming. Any application for license

or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than November 8, 1982.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 7, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-17789 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Project No. 6391-000]**

**Lawrence J. McMurtrey; Application for Preliminary Permit**

June 28, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on June 2, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6391 to be known as the Marten Creek Project located on Marten Creek, within Mt. Baker-Snoqualmie National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122-196th NE., Redmond, Washington 98052.

**Project Description**—The proposed project would consist of: (1) an inlet structure in the streambed at elevation 2,640 feet; (2) a diversion pipeline 18 inches in diameter and 6,000 feet long; (3) a powerhouse at elevation 1,520 feet containing a turbine generator with 1.54-MW capacity and 8.1-GWh annual energy output; and (4) a transmission line 2 miles long. The potential market for project output includes the Puget Sound Power and Light Company and Bonneville Power Administration.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for license to construct and operate the project. The estimated cost of permit activities is \$40,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 7, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before September 7, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR

4.30 et seq. or 4.101 et seq. (1901), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than November 8, 1982.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 7, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary

[FR Doc. 82-17790 Filed 6-30-82; 8:45am]

BILLING CODE 6717-01-M

**[Project No. 6393-000]**

**Lawrence J. McMurtrey; Application for Preliminary Permit**

June 25, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on June 2, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 6393 to be known as the Goodman Creek and Murphy Creek Project located on Goodman and Murphy Creeks in Snohomish County, near Darrington, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122-196th N.E., Redmond, Washington 98052.

**Project Description**—The proposed project would consist of: (1) two intake structures; (2) 11,000 feet of 24-inch-diameter combination pipeline/penstock; (3) a powerhouse with a proposed rated capacity of 3.68 MW operating under a head of 1,479 feet; and (4) an 8-mile-long, 115-kV transmission line. The estimated average annual energy production is 19.34 GWhs. The project would be located in the Snoqualmie-Mt. Baker National Forest.

**Proposed Scope of studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before August 16, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before August 16, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to

file an acceptable competing application for preliminary permit no later than October 15, 1982.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 16, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17791 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

**[Project Nos. 3241-002; 3242-002, and 3243-002]**

**Missouri Joint Municipal Electric Utility Commission; Surrender of Preliminary Permits**

June 23, 1982.

Take notice that Missouri Joint Municipal Electric Utility Commission, Permittee for the Mississippi River



Locks and Dams No. 20, 21 and 22, FERC Project Nos. 3241, 3242 and 3243, respectively, has requested that its preliminary permits for the three projects be terminated. The preliminary permits were issued on January 16, 1981, and would have expired on January 15, 1983. The proposed projects would have utilized the U.S. Army Corps of Engineers' Mississippi River Locks and Dams No. 20, 21 and 22 in Lewis, Marion and Ralls Counties, Missouri, respectively.

The Permittee stated that the projects were found not to be economically feasible with the current economic conditions.

The Missouri Joint Municipal Electric Utility Commission filed the request on May 17, 1982, and the surrender of the preliminary permits for Project Nos. 3241, 3242 and 3243 have been deemed accepted as of the date of this notice.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 82-17773 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-475-002]

**Montana-Dakota Utilities Co.; Petition To Amend**

June 24, 1982.

Take notice that on May 20, 1982,<sup>1</sup> Montana-Dakota Utilities Co. (Petitioner), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP80-475-002 a petition to amend the order issued June 18, 1981, in Docket No. CP80-475-000 pursuant to Section 7 of the Natural Gas Act so as to authorize the construction and operation of 0.5 mile of pipeline and related facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued June 18, 1981, Petitioner was authorized to construct 4.1 miles of 16-inch O.D. transmission line in Dawson County, Montana. It is stated that, as part of the original 4.1 miles of 16-inch O.D. pipeline, Petitioner intended to replace 0.3 mile of 8½-inch O.D. pipeline on a Burlington Northern Railroad bridge across the Yellowstone River with 16-inch O.D. pipeline to be located on the bridge. However, Petitioner informed the Commission in a statement dated December 14, 1981, filed in Docket No. CP80-475 that the Burlington Northern

Railroad would not permit replacement of the old pipeline with a larger pipeline and, therefore, the 8½-inch O.D. pipeline would be left in place on the railroad bridge. Petitioner maintains that its only alternative is to construct an underwater crossing consisting of 0.5 mile of 16-inch O.D. pipeline.

Petitioner states that construction of the proposed 0.5-mile underwater crossing would complete the segment of 16-inch O.D. pipeline originally authorized for the purpose of allowing Petitioner to meet existing system requirements and to replenish deleted gas storage inventories. The total cost of the proposed underwater crossing is estimated to be \$607,000.

It is further stated that Petitioner has obtained the required approval of the Department of the Army—Corps of Engineers, the Dawson County Conservation District, and the Montana Department of Fish and Game.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 82-17772 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5983-000]

**Morgan City Corp.; Application for License (5 MW or Less)**

June 25, 1982.

Take notice that Morgan City Corporation (Applicant) filed on February 16, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the Lost Creek Hydro Project No. 5983. The project would be located on Lost Creek, Weber River in Morgan County, Utah. Correspondence with the Applicant should be directed to: Hon. Abbott E.

Mikesell, Mayor of Morgan City, 48 West Young Street, Morgan, Utah 84050 and Donald J. White, Hydro Consultants Associated, 50 South Main, Suite No. 600, Salt Lake City, Utah 84144.

**Project Description**—The proposed project would utilize the existing Bureau of Reclamation's Lost Creek Dam and Reservoir, operated and maintained by the Weber Basin Water Conservancy District, and would consist of: (1) a siphon penstock, 36-inches in diameter and approximately 800 feet long, leading to (2) a powerhouse containing two turbine-generator units having a rated capacity of 150 kW and 450 kW, respectively, for a total rated capacity of 600 kW; (3) a tailrace near the existing outlet works stilling basin; (4) a new 46-kV transmission line, approximately 600 feet long, connecting to an existing 46-kV transmission line; (5) a switchyard; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3,356,300 kWh. Project energy would be utilized by Morgan City through transmission agreements with Utah Power and Light Company.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—This application was filed and a competing application to Western Hydro Electric Incorporated's application for Project No. 5243 filed on August 18, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice. [See: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate.]

<sup>1</sup>The application was initially tendered for filing on May 20, 1982. However, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until May 21, 1982; thus, filing was not completed until the later date.



**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 9, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17792 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-392-001]

### **Natural Gas Pipeline Co. of America; Petition To Amend**

June 24, 1982.

Take notice that on May 28, 1982, Natural Gas Pipeline Company of America (Petitioner), P.O. Box 583, Houston, Texas 77001, filed in Docket No. CP81-392-001 a petition to amend the order issued November 13, 1981, in Docket No. CP81-392-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the extension of the period of the limited term transportation for a direct sale and the modification of rates, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the order issued November 13, 1981, authorized Petitioner to sell up to 37,000,000 Mcf of natural gas to Central Louisiana Electric Company (CLECO) at specified delivery

points in Louisiana. Petitioner states that in order to transport the gas to CLECO, Petitioner executed a gas transportation agreement with Louisiana Intrastate Gas Company (LIG). It is further stated that Petitioner would deliver the gas for LIG's account to Louisiana Resources Company (LRC). Petitioner now asserts that because of LIG's difficulties in using LRC's facilities Petitioner has been unable to sell natural gas, and it has, therefore, executed a transportation agreement with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin).

It is submitted that in light of the new transportation agreement with Michigan Wisconsin, Petitioner seeks authority to extend the period of the limited term transportation for a direct sale of natural gas for CLECO for a term of three hundred and sixty-three days from the date of first deliveries, and modify the rate set forth in the order issued November 13, 1981, to permit recovery of a transportation charge which would reflect all the current or future costs that LIG and Michigan Wisconsin would charge Petitioner for such transportation plus the value of fuel gas consumed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17774 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-362-000]

### **Northwest Pipeline Corp.; Application**

June 24, 1982.

Take notice that on June 7, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526-10466, Salt Lake City, Utah 84110, filed in Docket No. CP82-362-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public

convenience and necessity authorizing the transportation of natural gas for the account of Phillips Pacific Chemical Company (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated May 12, 1982, Applicant proposes to transport up to 10,000 Mcf of natural gas per day on a best-efforts basis for Phillips, plus, at Applicant's sole discretion, quantities in excess of 10,000 Mcf per day. It is asserted that Phillips would purchase supplies of natural gas from Southern Union Gathering Company (Southern Union) at the Kutz delivery point in San Juan County, New Mexico, and/or at the intersection of Southern Union's facilities with those of El Paso Natural Gas Company (El Paso) at the Chaco delivery point in San Juan County.

Applicant asserts that the supplies purchased by Phillips at the Kutz delivery point would be delivered to Gas Company of New Mexico (GCNM) for Applicant's account. From the Kutz delivery point GCNM would transport the subject gas through its facilities to a point of interconnection with the gathering facilities of Applicant at the Huerfano delivery point in San Juan County, it is asserted. From the Huerfano delivery point, Applicant proposes to transport the natural gas through its San Juan Gathering System to its mainline transmission system at the Ignacio delivery point in La Plata County, Colorado.

It is asserted that the supplies of natural gas purchased by Phillips at the Chaco delivery point would be transported by El Paso, for Phillips' gas through, its mainline for redelivery for Phillips' account, to the Ignacio delivery point where El Paso's facilities would interconnect with Applicant's mainline.

Applicant further asserts that from the Ignacio delivery point it would transport Phillips' account at Applicant's existing Coulee Plant delivery point to Phillips in Benton County, Washington.

It is asserted that fuel gas reimbursements to be provided in kind by Phillips would include any fuel or losses associated with the use of GCNM's facilities to transport Phillips' natural gas from the Kutz delivery point to the Huerfano delivery point, Applicant's San Juan gathering fuel for all volumes received at the Huerfano delivery point and Applicant's mainline fuel for all volumes to be transported from the Ignacio delivery point. It is also asserted that for all volumes of gas transported and redelivered to Phillips by Applicant, Phillips would pay

Applicant the then effective mainline transportation rate set forth on Sheet No. 2 of Applicant's FERC Gas Tariff, Original Volume No. 2. Applicant states that the currently applicable rate is 1.34 cents per million Btu per hundred miles transported and that the mainline transportation from Ignacio to the Coulee Plant delivery point uses 11 one-hundred mile billing units for a total mainline rate of 14.74 cents per million Btu.

Applicant states that for each million Btu of natural gas received at the Huerfano delivery point for Phillips' account Applicant would charge Phillips at Applicant's gathering rate for the San Juan area, which is currently 33.34 cents per million Btu. Applicant further asserts that, in addition to the gathering and transportation charges, Phillips would pay GCNM directly for the costs incurred under the GCNM agreement for GCNM's transportation of Phillips' gas on behalf of Applicant. It is stated that GCNM's current charge is a \$260,000 per month service charge plus a basic cost-of-service rate of 36.6 cents per million Btu. Further it is indicated that Phillips would pay El Paso for the gas transported from the Chaco delivery point an initial rate of 3.98 cents per Mcf.

It is asserted that the direct sale gas involved in the instant proposal would be used in the production of anhydrous ammonia at Phillips Coulee Plant and that the gas would be used exclusively as process fuel and feedstock in making the ammonia.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

Commission or its designee on this application if no petition to intervene is filed within the time required herein if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17775 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Project No. 4520-001]

##### **City of Seymour, Iowa; Surrender of Preliminary Permit**

June 23, 1982.

Take notice that the City of Seymour, Iowa, Permittee for the Rathbun Dam Project No. 4520, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 4520 was issued on November 3, 1981, and would have expired on May 2, 1983. The project would have been located at the U.S. Corps of Engineers' Rathbun Dam in Appanoose County, Iowa.

The Permittee stated that it does not find the project feasible without obtaining a federal grant for the project.

The City of Seymour filed the request on May 13, 1982, and the surrender of the preliminary permit for Project No. 4520 has been deemed accepted as of the date of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17769 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Project No. 4857-000]

##### **Trans Mountain Construction Co.; Surrender of Preliminary Permit**

June 23, 1982.

Take notice that the Trans Mountain Construction Co., Permittee for the Blue Valley Ranch, Unit Number 3, Project No. 4857 located on King Creek in Grand County, Colorado has requested that their permit be terminated. The preliminary permit was issued on September 8, 1981, and would have expired on March 1, 1983.

Trans Mountain states that insufficient flows exist at the site rendering the project unfeasible.

Trans Mountain's request was dated May 24, 1982. The surrender of the permit for Project No. 4857 is in the public interest and is accepted as of the date of issuance of this notice.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17776 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. RP80-106-000]

##### **Trunkline Gas Co.; Informal Settlement Conference**

June 23, 1982.

Take notice that an informal settlement conference in the above-captioned docket will commence at 10:00 a.m. on July 1, 1982. This conference is being convened for the purpose of discussing settlement of the issue of proper allocation of pipeline costs of transporting, separating and handling producer-owned liquid and liquefiable hydrocarbons.

This conference will be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Customers and other interested persons will be permitted to attend but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-17777 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Project No. 5209-002]

##### **Vermont Power Consortium; Application for License (5 MW or Less)**

June 25, 1982.

Take notice that Vermont Power Consortium (Applicant) filed on March 9, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as Corning Mill Project No. 5209. The project would be located on Wells River near Newbury, in Orange County, Vermont. Correspondence with the Applicant should be directed to: Mr. John H. Stuart, 120 Lake Street, Burlington, Vermont 05401.

**Project Description**—The proposed run-of-the-river project would consist of: (1) An existing concrete dam, approximately 20.0 feet high and 69.34 feet long; (2) an existing reservoir with a

10.4-acre surface area, negligible storage capacity, and a surface elevation of 465.66 feet m.s.l.; (3) an existing steel penstock 60 inches in diameter and 449 feet long; (4) an existing powerhouse to contain a new single generating unit having a generating capacity of 320 kW; (5) an additional new powerhouse and turbine/generator to be installed 345 feet west of the existing powerhouse and having a generating capacity of 60 kW; (6) existing 4.6-kV transmission lines; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,857,000 kWh. The existing project facilities are owned by William Bushey and Maury Wallace.

**Purpose of the Project**—Power generated from the project will be sold to Central Vermont Public Service Corporation.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—This application was filed as a competing application to Newbury Hydro Company's application for Project No. 5281 filed on December 17, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice. [See: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate.]

**Comments, Protests, or Petitions to Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all

protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 30, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-17793 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Project No. 5046-001]

#### Vidler Tunnel Water Co.; Surrender of Preliminary Permit

June 23, 1982.

Take notice that the Vidler Tunnel Water Company, Permittee for the Empire Hydro Power Project No. 5046, has requested that its preliminary permit be terminated. The preliminary permit was issued November 27, 1981, and would have expired on May 1, 1983. The project would have been located on the West Fork Clear Creek in Clear Creek County, Colorado. Vidler Tunnel Water Company cites that "Both the lack of flow at the site and the difficulty of construction and operation of this project make the economics very poor."

Vidler Tunnel Water Company filed its request on May 26, 1982, and the surrender of its permit for Project No. 5046 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-17778 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

#### [Project No. 6310-000]

#### Woods Creek, Inc.; Application for License (Over 5 MW)

June 28, 1982.

Take notice that Woods Creek, Inc. (Applicant) filed on May 5, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as Barclay Creek Hydroelectric Project No. 6310. The project would be located on Barclay Creek, partially within the Mt. Baker—Snoqualmie National Forest in Snohomish County, Washington. Correspondence with the Applicant should be directed to: Neil H. Macdonald, Project Manager, Woods Creek, Inc., 14 South Idaho Street, Seattle, Washington 98134.

**Project Description**—The proposed project would consist of: (1) A 6-foot-high, 60-foot-long reinforced concrete diversion weir at elevation 2,206 feet; (2) an intake channel 30 feet long and an intake structure 15 feet wide by 45 feet long; (3) a penstock 40 inches in diameter and 12,000 feet long; (4) a powerhouse at elevation 853.5 feet containing two turbine generators with a total capacity of 6.8 MW; (5) a tailrace pipeline 800 feet long discharging to the stream at river mile 0.3; (6) a switchyard adjacent to the powerhouse; and (7) a 115-kV overhead transmission line supported on single wood poles extending to an existing Puget Sound Power and Light Company line approximately 0.2 miles southwest of the switchyard. The Applicant estimates the total project capital cost to be \$8,343,000.

**Purpose of Project**—The project has an estimated average annual energy output of 17 GWh. Project output would be sold to a utility in the Pacific Northwest.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before September 3, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d)] or a notice of intent [See 18 CFR 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in section 4.33(c) or section 4.101 et seq. (1981).

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to

take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 3, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-17779 Filed 6-30-82; 8:45 am]

BILLING CODE 6717-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-662-DR]

### Oklahoma; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA-662-DR), dated June 18, 1982, and related determinations.

**DATED:** June 18, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

**NOTICE:** Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the

Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of June 18, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and flooding beginning on May 11, 1982, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the affected areas. You are also authorized to provide Individual Assistance in the affected areas if justified by an additional request from the Governor accompanied by an appropriate commitment. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Lonnie R. Chant of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Oklahoma to have been affected adversely by this declared major disaster:

The following Counties for Public Assistance only:

Blaine  
Caddo  
Custer  
Kingfisher  
Lincoln

Logan  
Okfuskee  
Payne  
Washita

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718-02)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82-17762 Filed 6-30-82; 8:45 am]

BILLING CODE 6718-01-M

## FEDERAL RESERVE SYSTEM

### InterFirst Corp.; Acquisition of Bank

InterFirst Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Fannin Bancshares, Houston, Texas, and thereby acquire control of Fannin Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-17731 Filed 6-30-82; 8:45 am]

BILLING CODE 6210-01-M

### Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the

address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Chillicothe Bancshares, Inc.*, Chillicothe, Missouri; to become a bank holding company by acquiring 80 percent of the voting shares of Community Bank, Chillicothe, Missouri. Comments on this application must be received not later than July 20, 1982.

**B. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Olla Bancshares, Inc.*, Olla, Louisiana; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Olla State Bank, Olla, Louisiana. Comments on this application must be received not later than July 25, 1982.

Board of Governors of the Federal Reserve System, June 25, 1982.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 82-17732 Filed 6-30-82; 8:45 am]

BILLING CODE 6210-01-M

### Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are indispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 20, 1982.

**A. Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *First National Boston Corporation*, Boston, Massachusetts, (financing, servicing loans, and investment activities; Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah): To engage through it subsidiary, First of Boston Mortgage Corporation, in the following activities: marketing, acquiring, and servicing for its own account, or for the account of others, loans and other extensions of credit including those secured by mortgages of residential or commercial properties or leasehold interests therein; furnishing economic or financial information on real estate matters; providing portfolio investment advice concerning real estate matters; and providing all such other services and engaging in all such other activities as are incidental to any of the foregoing. These activities will be performed *de novo* by First of Boston Mortgage Corporation at an office located in Dallas, Texas, serving the states of Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah.

**B. Federal Reserve Bank of Cleveland** (Harry W. Huning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Pittsburgh National Corporation*, Pittsburgh, Pennsylvania, (financing and servicing activities; Texas): To engage, through its subsidiary, The Kissell Company, in making or acquiring and servicing for its own account and for the account of others, loans and other extensions of credit. The services would be conducted from an office in Houston, Texas, serving the Houston greater metropolitan area.

Board of Governors of the Federal Reserve System, June 25, 1982.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 82-17733 Filed 6-30-82; 8:45 am]

BILLING CODE 6210-01-M

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Centers for Disease Control

#### Work Group To Review a Draft Report Relating To CDC's Proficiency Testing Program; Open Meeting

On September 21-22, 1982, the Centers for Disease Control (CDC) will convene an open meeting of a work group to review a draft report relating to CDC's Proficiency Testing Program. The meeting is open to the public, limited only by space available.

The meeting is scheduled to convene at 9:00 a.m. in Room B-19, Building 3, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

For further information, please contact: Dr. Joyce D. K. Essien, Director, Laboratory Improvement Program Office (1-1007), Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333; Telephones: FTS: 236-3262; Commercial: 404/329-3262.

Dated: June 25, 1982.

William H. Foege, M.D.,

*Director, Centers for Disease Control.*

[FR Doc. 82-17930 Filed 6-30-82; 8:45 am]

BILLING CODE 4160-18-M

#### Health Care Financing Administration

#### Medicaid Program; Hearing; Reconsideration of Disapproval of Rhode Island State Plan Amendment

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Notice of hearing.

**SUMMARY:** This notice announces an administrative hearing on August 17, 1982 in Boston, Massachusetts to reconsider our decision to disapprove Rhode Island State plan amendment 81-25.

**CLOSING DATE:** Request to participate in the hearing as a party must be received by July 16, 1982.

**FOR FURTHER INFORMATION CONTACT:** Sharyn Smith, Docket Clerk, Bureau of Program Policy, G-20 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207; telephone: (301) 594-8261.

**SUPPLEMENTARY INFORMATION:** This notice announces an administrative hearing to reconsider our decision to

deny a Rhode Island State plan amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer on or before July 16, 1982, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as *amicus curiae* must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter relates to Rhode Island's proposal to establish a separate group of the medically needy defined as those individuals requiring intermediate care facility (ICF) services who have resources at or below \$1,500. The amendment also proposed to make ICF services available only to this medically needy group. The Health Care Financing Administration contends that this proposal violates the statute by setting up an invalid medically needy group and violates the comparability requirements of the statute and regulations by improperly differentiating between institutionalized and noninstitutionalized individuals.

The notice to Rhode Island announcing an administrative hearing to reconsider our denial of its State plan amendment reads as follows:

June 24, 1982.

Mr. John J. Affleck,

*Director, Department of Social and Rehabilitative Services, 600 New London Avenue, Cranston, Rhode Island 02920.*

Dear Mr. Affleck: This is to advise you that your request for reconsideration of my disapproval of Rhode Island State Plan Amendment 81-25 was received on May 27, 1982. This amendment would establish a separate group of the medically needy defined as those individuals requiring intermediate care facility (ICF) services who have resources at or below \$1,500. The amendment would also make ICF services available only to this medically needy group. You have requested a reconsideration of whether this plan amendment conforms to

the Social Security Act and pertinent regulations.

I am scheduling a hearing on your request to be held on August 17, 1982 at 10:00 a.m. in Room 1211, John F. Kennedy Federal Building, Boston, Massachusetts. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Albert Miller as the presiding official. If these arrangements present any problems, please contact Mrs. Sharyn Smith, Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify Mrs. Smith of the names and addresses of the individuals who will represent the State at the hearing. Mrs. Smith can be reached on (301) 594-8261.

Sincerely yours,

Carolyn K. Davis, *Ph.D.*

(Sec. 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: June 24, 1982.

Carolyn K. Davis,  
*Administrator, Health Care Financing Administration.*

[FR Doc. 82-17966 Filed 6-30-82; 8:45 am]

BILLING CODE 4120-03-M

### **Medicare Program; Economic Index for Physicians' Services for the Period July 1, 1982 Through June 30, 1983**

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Notice.

**SUMMARY:** This notice sets forth the economic index used in the calculation of prevailing charges for physicians' services under Part B of Medicare (title XVIII of the Social Security Act). The Medicare statute and regulations require that the calculation of these charges be subject to a limit based on appropriate indicators of economic changes. The economic index used for this purpose is 1.949 for the period July 1, 1982 through June 30, 1983. This is an increase of 8.88 percent over the economic index of 1.790 that was used for the previous 12 months.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Paul Riesel (301) 597-1843; or Joseph Romano (301) 594-1023.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

Payment under Medicare Part B for a physician's service is based on a reasonable charge which may not exceed the lowest of (1) the physician's actual charge for the service, (2) his or her customary charge for that service, or (3) the prevailing charges of physicians

for similar services in the locality. The prevailing charge for a service, before adjustment for the economic index, is calculated at the 75th percentile of physician customary charges. Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) and HCFA regulations at 42 CFR 405.504 further require that the prevailing charge for a service in a locality not exceed the level in effect for that service in the locality on June 30, 1973, except to the extent justified on the basis of appropriate indicators of economic change.

42 CFR 405.504 establishes an economic index for this purpose, consisting of two components: One measuring increases in general earnings level (attributable to factors other than increases in productivity) and the other measuring increases in expenses of the kind incurred by physicians.

#### **Calculating the Economic Index**

The Senate Finance Committee Report on Pub. L. 92-603 (The Social Security Amendments of 1972) explained that the index is intended to reflect inflationary trends accurately. See, generally, Senate Report No. 92-1230, 92 Cong. 2d Sess. (1972) pages 190-194. To obtain information on income and expenses, HCFA first contracted for a national survey of 5,000 physicians. We used results from an analysis of the data that showed that the expenses of medical practice for self-employed physicians account for approximately 40 percent of the gross income of practice, and net income accounts for approximately 60 percent.

The analysis of the data also calculated weights for each type of practice expense by determining the ratio of the expense of each element to total practice expenses. (For example, the hourly earnings of non-supervisory personnel account for 47 percent of all the practice expenses of a self-employed physician.) The survey was based on a national probability sample of physicians and the results are representative of the distribution of physicians in the United States. We verified that the estimated physician practice expenses are approximately 40 percent of the gross income of practice with data from other sources.

Items 1 through 6 in Table 1 below are the elements used in computing the increase in the physicians' expenses component of the economic index. Item 9, the net income component, is derived from information contained in items 7 and 8 and reflects increases in general earnings levels exclusive of productivity increases.



The principal source of the remaining data used is the data on labor statistics for calendar year 1981 as set forth in the Current Labor Statistics section of the April 1982 issue of *The Monthly Labor Review*, published by the U.S. Department of Labor. The increase for each element and component from 1980 to 1981 was calculated on the basis of these data and their weighted values were summed. This yielded an increase factor of 1.0911 (see Table 1). That factor, multiplied by the economic index for the period ending June 30, 1982, (see 46 FR 33651-33653, June 30, 1981) adjusted as explained below (1.7862), resulted in the new economic index of 1.949. This means that the prevailing charges for physicians' services to be used during the 12-month period beginning July 1, 1982, may not exceed the prevailing charges in effect on June 30, 1973 by more than 94.9 percent.

Because the Bureau of Labor Statistics has periodically retroactively revised some of the statistics and data on which earlier economic indexes were based, it was necessary for us to recompute some of the values and ratios for earlier years in order to obtain an accurate index for the current year. As a result, the economic index for July 1, 1981 through June 30, 1982 was adjusted from 1.790 to 1.7862. Table 2 sets forth the revised values for that year and the preceding years.

It should be noted that, although we have recalculated prior year indexes, this does not change the applicability of the earlier indexes as published. Rather, prior year figures were recalculated only to reflect newly available data in order to prepare an accurate index for the period beginning July 1, 1982. Thus, the effective increase in the economic index is 8.88 percent above the index used for the previous 12-month period.

TABLE 1.—CALCULATION OF THE INCREASE FACTOR FOR THE PERIOD JULY 1982 THROUGH JUNE 1983 TO BE APPLIED TO THE REVISED ECONOMIC INDEX FOR THE PRIOR 12-MONTH PERIOD

	Ratio of 1981 values to 1980 values	Weight (per-cent) <sup>1</sup>
1. Hourly earnings of nonsupervisory workers in finance, insurance, and real estate.....	1.0900	0.47X40
2. Housing component of the consumer price index.....	1.1140	.23X40
3. Private transportation component of the consumer price index.....	1.1172	.07X40
4. Drugs and pharmaceutical component of the producer price index.....	1.1083	.09X40
5. All other miscellaneous expenses (tied to the entire consumer price index).....	1.1024	.04X40
6. Premiums for malpractice insurance.....	<sup>2</sup> 1.2357	.10X40
7. Average weekly earnings of production and nonsupervisory workers.....	1.0855	

TABLE 1.—CALCULATION OF THE INCREASE FACTOR FOR THE PERIOD JULY 1982 THROUGH JUNE 1983 TO BE APPLIED TO THE REVISED ECONOMIC INDEX FOR THE PRIOR 12-MONTH PERIOD—Continued

	Ratio of 1981 values to 1980 values	Weight (per-cent) <sup>1</sup>
8. Index of output per man hour of employed nonfarm workers.....	1.0091	
9. Change in average weekly earnings net of change in output per man hour.....	1.0757	60
Increase factor of the economic index over the prior 12-month period.....	1.0911	

<sup>1</sup> The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1982. The last previous revision of the weights occurred in 1981. The revised weights from the 1982 study reflect more recent data from a sample of physicians than were available previously.

<sup>2</sup> Derived from a survey of several major insurers.

TABLE 2.—DETERMINATION OF THE ECONOMIC INDEX FOR THE PERIOD JULY 1982 THROUGH JUNE 1983

12-month period ending June 30-	Economic index for the period adjusted for revision in BLS statistics since the announcement <sup>1</sup>
1976 .....	1.1761
1977 .....	1.2583
1978 .....	1.3294
1979 .....	1.4098
1980 .....	1.5168
1981 .....	1.6404
1982 .....	1.7862
1983 .....	1.9489

<sup>1</sup> See text for explanation.

#### Other Matters

We estimate that this annual update will result in an increase of Medicare payments to physicians by approximately \$280 million during the period of July 1, 1982 through June 30, 1983. The update is required by statute. Since this notice limits increases in physicians' prevailing charges, is a technical change only (substituting the 1981 inflation factor for the 1980 factor) and involves no changes in substantive program policy, it represents the least possible economic impact. That is, it limits the increases in prevailing charges to account for inflation only. Therefore, this notice is not subject to the requirements of Executive Order 12291 or the Regulatory Flexibility Act, 5 U.S.C. 605(b).

(Sec. 1842(b)(3), of the Social Security Act (42 U.S.C. 1395u(b)(3))

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: June 28, 1982.

Carolyn K. Davis,  
Administrator, Health Care Financing  
Administration.

[FR Doc. 82-17999 Filed 6-30-82; 8:45 am]

BILLING CODE 4120-03-M

#### Office of Human Development Services

#### Statement of Organization, Functions, and Delegations of Authority

This notice amends Part D of the statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Office of Human Development Services (OHDS) (45 FR 64253) (1) to reduce the Administration for Native Americans by consolidating management functions and program operation functions and (2) to centralize HDS public affairs functions in the Office of Public Affairs. The language to be inserted to implement these changes is as follows:

1. Part D, Chapter DN, "The Administration for Native Americans", as published in the *Federal Register* on January 27, 1981 (46 FR 8752), is to be deleted in its entirety and replaced by the following:

DN.00 Mission. The Administration for Native Americans (ANA) represents the concerns of American Indians, Alaskan Natives, and Native Hawaiians, hereinafter referred to as Native Americans.

The Administration has primary responsibility for developing policy, legislative proposals and guidance and for providing staff advice to the Assistant Secretary and the Secretary on matters involving the social and economic development of Native Americans. ANA administers grant programs to eligible Indian tribes and Native American organizations in urban and rural areas with funds authorized under the Native American Programs Act of 1974, as amended.

In conjunction with the Office of the Assistant Secretary for Human Development Services, ANA provides Departmental liaison with other Federal agencies on Native American affairs, working to promote social and economic self-sufficiency for Native Americans. Through its policy, liaison, and granting functions, ANA explores new program concepts and new methods for increasing the social and economic development of Native Americans, assures that information about Departmental services and benefits and eligibility criteria is available to Native Americans, and fosters the opportunity



for the exercise of self-determination of Native Americans and their operation of Native American programs and enterprises.

ANA serves as the lead agency within HHS on issues concerning Native Americans. Advocates on behalf of Native Americans in HDS program planning and policy development. Develops standards, provides technical assistance, issues best practices guidelines, initiates policy relative to HDS services provided to Native Americans. In coordination with the Office of Program Coordination and Review, is responsible for the development of strategies for review of State Title IV-B plans and other social service plans as they pertain to Native Americans and for reviewing such services provided to Native Americans. Provides technical assistance and initiates policy relative to the provision of services to Native Americans under sections 803, 804 and 805 of the Native American Programs Act, as amended. Works in collaboration with the Office of Program Coordination and Review in the coordination of HDS training and technical assistance programs.

**DN.10 Organization.** The Administration for Native Americans is headed by the Commissioner, who reports directly to the Assistant Secretary for Human Development Services, and consists of:

- Office of the Commissioner (DN);
- Intra-Departmental Council on Indian Affairs (DN-1);
- Planning, Management and Policy Control Staff (DNP);
- Program Operations Division (DNB).

**DN.20 Functions.** A. Office of the Commissioner provides overall direction, management strategy and legislative liaison, in consultation with the Assistant Secretary for Human Development Services and the Office of Assistant Secretary for Legislation, for all components of ANA. Serves as advisor to the Assistant Secretary for Human Development Services, the Secretary, and the heads of DHHS agencies administering programs which have a significant impact on Native Americans. On behalf of the Department conducts liaison with and obtains advice from Indian tribes and Native American organizations. Has approval authority for ANA grant awards for financial assistance to American Indian tribes, Alaskan Native organizations, and Native Hawaiian groups. Provides policy direction and guidance to the HDS Regional Offices with respect to programs for urban Indian, off-reservation Indians and other Native American projects. Has ANA approval authority for all interagency agreements.

The Commissioner is Chairman of the Intra-Departmental Council on Indian Affairs.

A. Intra-Departmental Council on Indian Affairs provides general staff support to the Council and to the Commissioner of ANA, the Chairperson of the Council. The Council serves as the focal point within the Department for intra-agency coordination activities relating to Indian affairs to effect cooperation and complementary utilization of the Department's resources for Indian people. Promotes consistent policies on Indian affairs for the entire Department and promotes the full and continuous application of these policies throughout the Department.

Identifies administrative, legislative and regulatory changes or developments necessary for the application of effective and consistent Federal Indian Policy.

B. Planning, Management and Policy Control Staff plans, coordinates, and controls ANA policy, planning, and management activities. Manages the development of regulations, policies and guidelines for ANA. Develops and recommends the implementation of policies in coordination and consultation with the Office of Policy Development/Office of Human Development Services.

In coordination with the Office of Policy Development and the Office of Management Services in the Office of Human Development Services, directs the development of program plans consistent with the Department's requirements. Formulates budget and legislative plans consistent with Departmental and ANA requirements.

Coordinates the reporting by ANA units to the Department of Health and Human Services/Office of Human Development Services management system, including reports on short-range initiatives. Assists the ANA Program Operations Division in developing local program planning capability.

Tracks financial status of all program and Salaries and Expenses accounts and provides financial data to the Commissioner. Furnishes assistance to program specialists on Departmental financial management and on development of ANA fiscal and budget procedures; coordinates with appropriate Office of Human Development services staff units in carrying out these functions.

Provides a wide range of management administrative services in support of all ANA programs and activities. Expedites the progress of all procurements and personnel actions. Serves as ANA Executive Secretariat, controlling the flow of correspondence. Responsible for the receipt of Freedom of Information

Requests directed to ANA and coordinates responses to such requests. Coordinates with appropriate Office of Human Development Services units in implementing administrative requirements and procedures.

C. Program Operations Division provides direct financial assistance to American Indian tribal governments, Native Hawaiian organizations, Alaskan Native organizations, urban Indian groups, rural off-reservation Native American groups, and other Native American groups and organizations, including national, regional, statewide, local and inter-tribal consortia groups. Serves as a resource for and liaison among Indian tribes and other Native American groups and organizations and as a link with programs of national significance.

Manages the technical assistance, evaluation, research, demonstration and training projects for the Administration for Native Americans. Carries out special projects and initiatives for the benefit of the ANA service population. Coordinates all inter-agency agreements of ANA with other Federal agencies. Provides coordination for the Reservation Programs Branch, the Special Programs Branch, the Program Support Branch, the ANA Region X Office, and ANA activities in other Office of Human Development Services Regional Offices.

Provides information and program content for plans, budget formulation and policy development for activities authorized under the Native American Programs Act of 1974, as amended. Coordinates in cooperation with the ANA Planning, Management and Policy Control Staff, all matters pertaining to planning, overall ANA management, policy development and control, and program development. In coordination with the Office of Management Services, manages the ANA program management information system to support ANA program reporting, planning, and administration.

2. Part D, Chapter DA, Section DA.20., "Office of Public Affairs," as published in the **Federal Register** on September 29, 1980 (45 FR 64256), is to be deleted in its entirety and replaced by the following:

2. Office of Public Affairs assists the Assistant Secretary for Human Development Services and program Commissioners in the formulation and development of policy having public information and education implications. Provides advice on strategies and approaches to be used to improve public understanding of and access to Office of Human Development Services programs and policies. Represents the Assistant

Secretary and program Commissioners in discussions of major policy issues relating to public affairs. Directs the preparation of speeches, statements, and other information materials. Develops and implements a comprehensive public affairs plan for the Office of Human Development Services. Reviews and evaluates the effectiveness of public information and education programs in the Office of Human Development Services and recommends improvements in scope, operational approach, and policy direction. Provides technical leadership and services on public information and educational to Office of Human Development Services staff and programs in both central and regional offices. Recommends approaches for meeting internal and external communications needs of the Office of Human Development Services.

Plans, organizes and administers the Office of Human Development Services public information program consistent with policy direction established by the Assistant Secretary for Public Affairs and serves as liaison with that office. Coordinates Office of Human Development Services public affairs activities with other parts of the Department of Health and Human Services, Federal agencies, States and local organizations, and other interested parties with related functions. Works to ensure sound and effective relations with the public served or affected by the activities of the Office of Human Development Services and to encourage participation in Office of Human Development Services programs through effective public information programs. For the development and execution of public communications of concern to the Office of Human Development Services, serves as the Office of Human Development Services liaison to the process, radio, TV, professional journals, the White House, the Office of the Secretary/HHS, OASPA, and other government and non-government agencies.

Directs the audio-visual and publication management and distribution system for the Office of Human Development Services. Reviews and approves requests for proposals and program announcements for contracts which involve publications, audio-visual materials, and/or public information and education activities. Provides centralized marketing, printing, distribution, management and graphics design services to the Office of Human Development Services. Serves as the Freedom of Information Office for the Office of Human Development Services.

Dated: June 24, 1982.

**Richard S. Schweiker,**  
*Secretary*

[FR Doc. 82-17751 Filed 6-30-82; 8:45 am]

**BILLING CODE 4130-01-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Regional Administrator

[Docket No. D-82-669]

#### Acting Area Manager, Jackson Area Office, Region IV (Atlanta); Designation

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Designation of Order of Succession.

**SUMMARY:** The Regional Administrator and Area Manager are designating officials who may serve as Acting Area Manager for the Jackson Area Office during the absence, disability, or vacancy in the position of the Area Manager.

**EFFECTIVE DATE:** March 31, 1982.

#### FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 664, 75 Spring Street, Atlanta, Georgia 30303, 404-221-5199. This is not a toll-free number.

**DESIGNATION:** Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager, provided that no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence, disability or vacancy in the position:

1. Deputy Area Manager
2. Director, Housing Division
3. Director, Community Planning and Development Division
4. Deputy Director for Development, Housing Division
5. Deputy Director for Management, Housing Division
6. Special Assistant to the Area Manager.

This designation supersedes the designation effective September 7, 1978 (43 FR 39859, September 7, 1978).

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970, (36 FR 3389, February 23, 1971).

This designation shall be effective as of March 31, 1982.

**James S. Roland,**

*Area Manager, Jackson Area Office.*

**Clifton G. Brown,**

*Regional Administrator, Region IV (Atlanta).*

[FR Doc. 82-17728 Filed 6-30-82; 8:45 am]

**BILLING CODE 4210-01-M**

[Docket No. D-82-671]

#### Minneapolis-St. Paul Area Office; Designation

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Regional Administrator and Area Manager are designating officials who may serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager.

**EFFECTIVE DATE:** This designation is effective immediately.

#### FOR FURTHER INFORMATION CONTACT:

James P. Zale, Director, Management and Budget Division, Office of Regional Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353-5952. (This is not a toll-free number).

**DESIGNATION:** Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager
2. Director, Housing Division
3. Area Counsel
4. Director, Community Planning and Development Division
5. Director, Administrative Management Division.

This designation supersedes the designation effective June 19, 1978.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

**Thomas T. Feeney,**

*Area Manager, Mpls-St. Paul Area Office.*

**Stephen W. Brown,**

*Acting Regional Administrator, Region V.*

[FR Doc. 82-17728 Filed 6-30-82; 8:45 am]

**BILLING CODE 4210-01-M**

**[Docket No. D-82-672]****Milwaukee Area Office; Designation**

**AGENCY:** House & Urban Development Department.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Regional Administrator and Area Manager are designating officials who may serve as the Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager.

**EFFECTIVE DATE:** The designation is effective January 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** James P. Zale, Director, Management and Budget Division, Office of Regional Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353-5952. (This is not a toll-free number.)

**DESIGNATION:** Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager
2. Director, Community Planning & Development Division
3. Director, Housing Division
4. Director, Fair Housing and Equal Opportunity Division
5. Area Counsel
6. Deputy for Management, Housing Division
7. Deputy for Development, Housing Division.

This designation supersedes the designation effective June 19, 1978.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

**Patricia M. Jameson,**  
*Acting Area Manager, Milwaukee Area Office.*

**Stephen W. Brown,**  
*Acting Regional Administrator, Region V.*

[FR Doc. 82-17729 Filed 6-30-82; 8:45 am]

**BILLING CODE 4210-01-M**

**[Docket No. D-82-670]****Indianapolis Area Office; Designation**

**AGENCY:** Housing and Urban Development Department.

**ACTION:** Designation of Order of Succession.

**SUMMARY:** The Regional Administrator and Area Manager are designating officials who may serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager.

**EFFECTIVE DATE:** January 19, 1982.

**FOR FURTHER INFORMATION CONTACT:** James P. Zale, Director, Management and Budget Division, Office of Regional Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois, 60606. Phone number (312) 353-5952 (This is not a toll-free number).

**DESIGNATION:** Each of the official appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided that no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager
2. Director, Housing Division
3. Director, Community Planning & Development Division
4. Area Counsel
5. Director, Administrative Management Division
6. Director, Fair Housing & Equal Opportunity Division
7. Deputy Director for Housing Development
8. Deputy Director for Housing Management.

This designation supersedes the designation published at 43 FR 39861 on September 7, 1978.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

**Martha D. Lamkin,**  
*Area Manager, Indianapolis Area Office.*  
**Stephen W. Brown,**  
*Acting Regional Administrator, Region V.*

[FR Doc. 82-17730 Filed 6-30-82; 8:45 am]

**BILLING CODE 4210-01-M**

**[Docket No. D-82-673]****Detroit Area Office; Designation**

**AGENCY:** Housing and Urban Development Department.

**ACTION:** Designation of Order of Succession.

**SUMMARY:** The Regional Administrator and Area Manager are designated

officials as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager.

**EFFECTIVE DATE:** This designation is effective immediately.

**FOR FURTHER INFORMATION CONTACT:** James Zale, Director, Management and Budget Division, Office of Regional Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353-5952 (This is not a toll-free number).

**DESIGNATION:** Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager
2. Director, Housing Division
3. Director, Community Planning & Development Division
4. Area Counsel.

This designation supersedes the designation effective June 19, 1978.

**AUTHORITY:** Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

**Stephen W. Brown,**  
*Area Manager, Detroit Area Office.*  
**Stephen W. Brown,**  
*Acting Regional Administrator, Region No. V.*

[FR Doc. 82-17734 Filed 6-30-82; 8:45 am]

**BILLING CODE 4210-01-M**

**Office of Secretary****[Docket No. N-82-1136]****Submission of Proposed Information Collections to OMB**

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New

Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:**

Robert G. Masarsky, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from Robert G. Masarsky, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

**Notice of Submission of Proposed Information Collections to OMB**

**Proposal:** Forms Relating to National Manufactured Housing Construction and Safety Standards Act

**Office:** Housing

**Form number:** NCSBCS 301, 302, 303, and 304

**Frequency of Submission:** Monthly  
**Affected Public:** Mobile Home Manufacturers

**Estimated Burden Hours:** 9,792

**Status:** New

**Contact:**

John Mason, HUD, (202) 755-6920

Robert Neal, OMB, (202) 395-6880

**Proposal:** Supplemental Application and Processing Form, Housing for the Elderly or Handicapped

**Office:** Housing

**Form number:** HUD-92013-E

**Frequency of Submission:** On Occasion  
**Affected Public:** Businesses or other Institutions (except farms)

**Estimated Burden Hours:** 300

**Status:** Reinstatement

**Contact:**

John Wells, HUD, (202) 755-5743

Robert Neal, OMB, (202) 395-6880

**Proposal:** Application for Designation as Fee Personnel

**Office:** Housing

**Form Number:** HUD-92563

**Frequency of Submission:** Annually

**Affected Public:** Individuals or Households

**Estimated Burden Hours:** 500

**Status:** Revision

**Contact:**

John J. Coonts, HUD, (202) 755-6720

Robert Neal, OMB, (202) 395-6880

**Proposal:** Community Housing Resource Board Program Monitoring Form

**Office:** Fair Housing and Equal Opportunity

**Form Number:** None

**Frequency of Submission:** Quarterly

**Affected Public:** Individuals or Households

**Estimated Burden Hours:** 560

**Status:** New

**Contact:**

Deborah Seabron, HUD, (202) 755-5992

Robert Neal, OMB, (202) 395-6880

**Proposal:** Application for Coinsurance Benefits

**Office:** Administration

**Form Number:** HUD-426, 426A, 426.1 and 427

**Frequency of Submission:** On Occasion

**Affected Public:** Businesses or other Institutions (except farms)

**Estimated Burden Hours:** 134

**Status:** Revision

**Contact:**

Curtis Langford, HUD, (202) 755-5747

Robert Neal, OMB, (202) 395-6880

**Proposal:** Monthly Report of Cooperative Housing Corporation

**Office:** Housing

**Form Number:** HUD-93211

**Frequency of Submission:** On Occasion

**Affected Public:** Management Agents for Cooperative Corporations

**Estimated Burden Hours:** 120

**Status:** Extension

**Contact:**

Jerry M. Noel, HUD, (202) 426-7624

Robert Neal, OMB, (202) 395-6880

**Proposal:** Preliminary site Report by Public Housing Agency

**Office:** Housing

**Form Number:** HUD-52651

**Frequency of Submission:** On Occasion

**Affected Public:** Public Housing Agencies

**Estimated Burden Hours:** 1,500

**Status:** Reinstatement

**Contact:**

Raymond Hamilton, HUD, (202) 755-5846

Robert Neal, OMB, (202) 395-6880

**Proposal:** Comparative Analysis of Utility Costs

**Office:** Housing

**Form Number:** HUD-51994A thru 51994D

**Frequency of Submission:** On Occasion

**Affected Public:** Public Housing Agencies

**Estimated Burden Hours:** 3,000

**Status:** Revision

**Contact:**

Dominic Eng, HUD, (202) 755-6593

Robert Neal, OMB, (202) 395-6880

**Proposal:** Forms for Application and PHA Proposals

**Office:** Housing

**Form Number:** HUD-52470-REV, HUD-52483A, HUD-52485, HUD-52651A and HUD-52482

**Frequency of Submission:** On Occasion

**Affected Public:** Public Housing Agencies

**Estimated Burden Hours:** 9,000

**Status:** New

**Contact:**

Raymond Hamilton, HUD, (202) 755-5846

Robert Neal, OMB, (202) 395-6880

**Proposal:** Community Development Block Grant Small Cities Application Package (HUD Administration)

**Office:** Community Planning and Development

**Form Number:** HUD-4045 and TBA4

**Frequency of Submission:** Annually

**Affected Public:** State or Local Government

**Estimated Burden Hours:** 60,000

**Status:** New

**Contact:**

Bryant Monroe, HUD, (202) 755-6322

Robert Neal, OMB, (202) 395-6880

**Proposal:** Preliminary Site Report by Indian Housing Authority

**Office:** Housing

**Form Number:** HUD-3188

**Frequency of Submission:** On Occasion

**Affected Public:** Indian Housing Authorities

**Estimated Burden Hours:** 2,548

**Status:** Extension

**Contact:**

Edmund P. Carrera, HUD, (202) 755-6522

Robert Neal, OMB, (202) 395-6880

**Proposal:** Evaluation of the Congregate Housing Services Program: Process Evaluation

**Office:** Policy Development and Research

**Form Number:** None

**Frequency of Submission:** Annually

**Affected Public:** State and Local Governments

**Estimated Burden Hours:** 177

**Status:** New

**Contact:**

Barbara Haley, HUD, (202) 755-5575

Robert Neal, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 17, 1982.

Judith L. Tardy,  
Assistant Secretary for Administration.

[FR Doc. 82-17620 Filed 6-30-82; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial No. I-14950]

#### Idaho; Proposed Withdrawal Continuation

June 24, 1982.

The Forest Service, Department of Agriculture proposes to continue the existing withdrawal for the following public lands withdrawn by Secretarial Order dated November 13, 1908, for a 50 year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714):

#### Boise Meridian, Idaho

T. 14 N., R. 19 E.,  
Sec. 33, Lot 1.

The area described contains 37.29 acres in Custer County, Idaho.

The purpose of the withdrawal is to protect an administrative site and the improvements thereon. The withdrawal closed the described lands to all forms of appropriation under the public land laws, including the mining and mineral leasing laws. No change in the segregative effect or use of the land is proposed by this action.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer within 90 days of the date of publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before September 29, 1982.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential

demand for the land and its resources. He will review the withdrawal justification to insure that the continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued, and if so, for how long. The final determination on continuation of the withdrawal will be published in the **Federal Register**, the existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.  
William E. Ireland,  
Chief, Lands Section.

[FR Doc. 82-17905 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

[M 55205]

#### Montana; Realty Action, Modified Competitive Sale of Public Land in Carter County, Mont.

June 22, 1982.

The following described lands have been examined and identified as suitable for disposal by sale pursuant to Sec. 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value:

#### Principal Meridian

T. 8 S., R. 58 E.,  
Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described contains 40 acres.

The land will be offered for sale by sealed bid utilizing modified competitive bidding procedures. Pilster Ranch Corp., c/o Edward Pilster, the owner of the surrounding private land and the current grazing lessee, is the proposed designated bidder and will be offered the right to meet the highest bid. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

The subject land is located 13 miles northwest of Alzada, Montana, south of U.S. Highway 212. The land is isolated, with no legal access, is unusable by the

general public, and is difficult and uneconomic to manage as part of the public lands system. The subject land has no unique values and has historically been used for livestock grazing. In addition, part of Mr. Pilster's barn and corral were constructed unintentionally on the public land over 26 years ago. The sale, if consummated, will resolve this unauthorized use.

The proposed sale is consistent with the Bureau's planning system and Carter County government officials have been notified of the proposed sale. Since the land has a low resource value, the transfer of the tract into private ownership will benefit the public interest and provide for better land management.

The terms and conditions applicable to the sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove them under applicable law and regulations;
2. A right-of-way for ditches and canals will be reserved to the United States; and
3. The sale of these lands will be subject to all valid existing rights and reservations of record.

Detailed information concerning the sale, including the planning documents, environmental assessment, and the record of public discussions, is available for review at the Miles City District Office, West of Miles City, P.O. Box 940, Miles City, Montana 59301.

The bid opening for the modified competitive sale of the above-described public land in Carter County, Montana, will be held at the Montana State Office, 222 North 32nd Street, Billings, Montana, on Tuesday, August 31, 1982, at 10 a.m.

#### Bidding Information and Instructions:

**Bidder Qualifications:** The Federal Land Policy and Management Act requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any state or the U.S. A State. State instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of conveying and holding lands or interests therein under the laws of the State of Montana.

Bids must be made by the principal or his agent.

**Bid Standards:** No bid will be accepted for less than the appraised value of \$4,600 and bids must include all of the land identified in this sale notice.

**Method of Bidding:** The land will be sold by sealed bid only. Bids delivered or sent by mail will be considered only if received by the Bureau of Land

Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107, prior to 10 a.m. on August 31. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed bid envelope must be marked in the lower left-hand corner as follows:

Public Land Sale M 55205  
August 31, 1982-

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid then be publicly declared.

**Modified Bidding:** For a period of 30 days following the date of the sale, Pilster Ranch Corporation, c/o Mr. Edward Pilster, the owner of the private land surrounding the sale parcels, will be offered the right to meet the highest bid. If he meets the highest bid, the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid shall constitute a waiver of such bidding provisions.

**Final Details:** Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within the time period designated by the authorized officer. Failure to submit the required amount within the allotted time will result in cancellation of the sale and the deposit will be forfeited.

All bids will be either returned, accepted, or rejected within 60 days of the sale date.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior.

Kannon Richards,  
Acting State Director.

[FR Doc. 82-17906 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 29127]

**Oregon; Notice of Realty Action;  
Lease; Public Lands in Baker County**

June 24, 1982.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Realty Action OR 29127, Recreation and Public Purposes Classification and Lease of Public Land in Baker County, Oregon.

**SUMMARY:** Notice is hereby given that the City of Sumpter, Oregon has submitted an application to lease several isolated tracts of public land for storage of city equipment, protection and expansion of the city water system; park purposes for future expansion areas for city projects.

The following described land has been examined and classified as suitable for lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.):

Williamette Meridian, Oregon

T. 9 S., R. 37 E.,

Sec. 29, lots 14, 15 and 17;

Sec. 30, lot 10.

Encompassing 29.86 acres, more or less.

This decision/notice is based on the following reasons:

1. The lands have been found to be valuable for public purposes and recreational uses.

2. The land is not of national significance and not essential to any Bureau of Land management program

3. The proposed use is in conference with the existing land use plan.

4. The proposed action, will have no significant (including controversial) effects on the human and natural environment.

5. Leasing of the above described lands to the City of Sumpter, Oregon will serve important public objectives, i.e., provide additional lands for expansion of the city's recreational and public purposes projects.

6. The classification, lease and/or patenting of the land to the City of Sumpter, Oregon is in conformance with the Secretary of the Interiors "Good Neighbor Program."

7. The subject lands are isolated, irregular in size and shape and receive only custodial management.

**DATES:** Until August 9, 1982, interested parties may submit comments to the District Manager, Bureau of Land Management, Federal Building, P.O. Box 987, Baker, Oregon 97814. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final

determination. In the absence of any action by the State Director, this realty action will become the final determination of this Department.

**FOR FURTHER INFORMATION CONTACT:** Information related to this Recreation and Public Purposes Application, including the environmental assessment record, land report, terms and conditions and special stipulations that will be included in the lease, is available for review at the Baker District Office, Federal Building, Baker, Oregon 97814.

**SUPPLEMENTARY INFORMATION:** The classification and granting of the lease for a maximum period of 25 years with the option to purchase/patent the land will not be adverse to any known public or private interests.

Classification of these lands to the City of Sumpter, Oregon, under the provisions of the above cited authority segregates them from all appropriations, including locations under the mining laws, except as to applications under the Mineral Leasing Laws and applications under the Recreation and Public Purposes Act.

This Recreation and Public Purposes Application is consistent with Bureau of Land Management policies and planning and has been discussed with state and local officials.

Petition for classification OR 29127 is approved as to the land described above.

Name of petitioner: City of Sumpter, by its Mayor.

Type of petition: Recreation and Public Purposes under the Recreation and Public Purposes Act of June 14, 1926, as amended.

Gordon R. Staker,  
District Manager.

[FR Doc. 82-17907 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

**Idaho Falls District; Realty Action;  
Competitive Sale—I-18297; Public  
Land in Clark County, Idaho**

**Summary:** The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the fair market value of \$22,000.

Boise Meridian, Idaho

T. 9 N., R. 36 E.,

Sec. 21, NE¼NW¼;

Sec. 32, NW¼SW¼.

The above described land will be sold at public auction by competitive bidding. The land is not being used and is not required for any federal purposes.



It does not complement BLM programs and the location and physical characteristics of the tracts, along with the private ownership of adjoining lands, make it difficult and uneconomical to manage as public land. Disposal would not have any significant effect on resource values and would best serve the public interest.

A patent for the land, when issued, will be subject to the following conditions:

1. A right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals will be reserved to the United States as required by Section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

3. All valid existing rights and reservations of record.

The sale will be held at the Idaho Falls District Office, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, at 1:00 p.m. on Thursday, September 30, 1982.

**Bidding Information and Instructions:**

**Bidder Qualifications:** The Federal Land Policy and Management Act requires that bidders must be citizens of the United States 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state or the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly qualified agent.

**Bid Standards:** No bid will be accepted for less than the appraised fair market value of \$22,000. Bids must be for all the land.

**Method of Bidding:** Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if received at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401 prior to 1:00 p.m. on September 30, 1982. Bids sent by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed envelopes must be marked in the lower left-hand corner, "Sealed Bid, Public Land Sale I-18297, Sale to be September 30, 1982." If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered shall be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be announced.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid

is announced. The highest sealed bid will be the base for oral bids. All oral bids must be made in increments of not less than \$50. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these.

**Final Details:** The successful high bidder, whether it is by sealed or oral bid, will be required to submit full payment for the balance of the bid within 30 days from the date of the sale. Failure to submit such payment within the 30 day period shall result in cancellation of the sale and the bid deposit shall be forfeited. All unsuccessful sealed bids will be returned within 30 days from the sale date. If no bids for the land, either sealed or oral, are received on the sale date, the sale will be adjourned until the next Wednesday at the same hour and place and continued on each succeeding Wednesday, until the lands are sold as specified in this notice or the sale is otherwise terminated.

**Further Information/Inquiries:** Further information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Idaho Falls District Office at the address indicated above. For a period of 45 days from the date of this notice, interested parties may submit comments to the Idaho Falls District Manager. Any adverse comments will be evaluated by the Idaho State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: June 24, 1982.

O'Dell A. Frandsen,  
District Manager.

[FR Doc. 82-17908 Filed 6-30-81; 8:45 am]  
BILLING CODE 4310-84-M

### Fish and Wildlife Service

#### Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: The Gorilla Foundation,  
Woodside, CA (PRT 2-9315)

The applicant requests a permit to import one male lowland gorilla (*Gorilla gorilla*) from the Republique Populaire du Congo for scientific research and enhancement of propagation. The gorilla is being offered as a gift from the Congolese government.

Applicant: The Science Museum of  
Minnesota, St. Paul, MN (PRT 2-9306)

The applicant requests a permit to import one Nile crocodile (*Crocodylus niloticus*) skin and skull collected in Zambia in 1974 for scientific research.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications by August 2, 1982 by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: June 28, 1982.

R. K. Robinson,  
Chief, Branch of Permits, Federal Wildlife  
Permit Office.

[FR Doc. 82-17967 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-55-M

### Bureau of Land Management

[AA-6698-B]

#### Alaska Native Claims Selection

On December 17, 1974, Salamatof Native Association, Inc., for the Native village of Salamatof, filed selection application AA-6698-B under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Kenai and Soldotna, Alaska.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 9,028.10 acres, is considered proper for



acquisition by Salamatof Native Association, Inc. and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Amended U.S. Survey No. 4520, lot 2, situated on the westerly shore of Cook Inlet approximately seven miles northwesterly of West Foreland.

Containing .10 acre.

U.S. Survey No. 4524, Alaska, lots 1 and 2, situated on the northeasterly shore of West Foreland, Trading Bay, Cook Inlet, Alaska. Containing 10.00 acres.

#### Seward Meridian, Alaska

T. 8 N., R. 14 W.,

Those portions of Tract A more particularly described as (protracted):

Sec. 5 (fractional), excluding Tract A of U.S. Survey No. 363, U.S. Survey No. 3974, lots 1 and 2, U.S. Survey No. 4520, lots 1 and 2, and U.S. Survey No. 4566 and those lands described in Alaska State Patent No. 700 to the Kenai Peninsula Borough dated January 12, 1968;

Sec. 6, excluding U.S. Survey No. 4520, lot 1 and Alaska State Patent No. 1880 to the Kenai Peninsula Borough described as ASLS 74-19 filed in the Anchorage Records Office January 24, 1974;

Sec. 7;

Sec. 8 (fractional), excluding U.S. Survey No. 3974, lots 1 and 2;

Secs. 9 and 16 (fractional);

Secs. 17 to 20, inclusive;

Sec. 21 (fractional), excluding Native allotment AA-8272 Parcel B, U.S. Survey No. 4522, U.S. Survey No. 4523, U.S. Survey No. 4524, lot 1;

Secs. 22 and 27 (fractional), excluding U.S. Survey No. 4524, lot 1;

Sec. 28, excluding U.S. Survey No. 4524, lot 1;

Secs. 29 and 30;

Sec. 31 (fractional);

Secs. 32 and 33;

Sec. 34 (fractional), excluding U.S. Survey No. 4524, lot 2.

Containing approximately 9,018.00 acres.

Aggregating approximately 9,028.10 acres.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reasons: Lands are no longer under Federal jurisdiction, and lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

There are no inland water bodies considered to be navigable within the above-described lands.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)).

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

4. The following oil and gas lease: A-035017 located in U.S. Survey No. 4522, U.S. Survey No. 4523, U.S. Survey No. 4524, lot 1, and Tract A protracted Secs. 16, 21, 22, 27, and 28, T. 8 N., R. 14 W., Seward Meridian, Alaska. The act of February 25, 1982 (30 U.S.C. 181).

Salamatof Native Association, Inc., is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. This entitlement is subject to reduction incurred by relinquishments made by Salamatof in the Lake Clark area as required by Sec. 12(a) of Public Law (Pub. L.) 94-204 (89 Stat. 1151), and also to reduction for exchanges pursuant to Sec. 7 of the agreement of August 17, 1979 as directed by Sec. 1432 of Pub. L. 96-487 (94 Stat. 2543).

Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 27,722.92 acres. In accordance with section 1432 of Pub. L. 96-487, and the agreement of August 17,

1979, those lands to be conveyed to Salamatof within the Kenai National Wildlife Refuge will be charged as 57,480 acres. In view of this, the total acreage chargeable to the Sec. 14(a) entitlement to date is approximately 70,172 acres. The remaining entitlement will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Cook Inlet Region, Inc., when the surface estate is conveyed to Salamatof Native Association, Inc., and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 FR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Daily News.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board before June 30, 1982, or to the Interior Board of Land Appeals after June 30, 1982, provided; however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken *before June 30, 1982*, the notice of appeal must be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

If an appeal is taken *after June 30, 1982*, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), address given above. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, address given above.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return

receipt shall have until August 2, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board or the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of land requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Salamatof Native Association, Inc., P.O. Box 2682, Kenai, Alaska 99611  
State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7-005, Anchorage, Alaska 99510  
Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,  
Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17883 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### [AA-41952]

#### Alaska Native Claims Selection

On May 5, 1982, Cook Inlet Region, Inc., filed an addition to selection application AA-41952 under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and (I.C.(2), of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976 (90 Stat. 1935), for the surface and subsurface estates of a tract of land located on Fire Island, Alaska.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located inside the boundaries of Cooks Inlet Region. The lands herein approved for conveyance within selection AA-41952 were placed in the pool of properties available for selection by Cook Inlet Region, Inc., subject to valid existing rights, by notice dated April 8, 1982.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of

the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands containing approximately 2,021.53 acres, are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

#### Seward Meridian, Alaska (Unsurveyed)

T. 12 N., R. 5 W.,  
Sec. 4. (fractional);  
Sec. 5. excluding Executive Order 3406;  
Sec. 6. (fractional), excluding Executive Order 3406;  
Secs. 7, 8, and 9 (fractional).  
T. 12 N., R. 6 W.,  
Sec. 13 (fractional).

Excluded from the above-described lands are those lands being retained by the Federal Aviation Administration, as noted on Real Estate Data Drawing No. ALD-FIR-040.000, a copy of which is located in case file AA-5898, and more particularly described as follows:

*Airfield Site:* Commencing at U.S.C. & G. S. Monument "Wright," proceed N. 39°21' W. 1,500.00 feet, more or less, to the point of beginning of this description, said point being on the North shoreline of Fire Island; thence, South 6,900.00 feet, more or less, to a point, said point being on the South shore of Fire Island; thence, Northerly 7,900.00 feet, more or less, along said shoreline to the point of beginning containing 147.60 acres, more or less.

*RCAG and Outer Marker Site:* Commencing at U.S.C. & G.S. Monument "Wright," proceed S. 38°40'12" W. 3,186.22 feet to the point of beginning of this description; thence, S. 29°47'26" E. 600.00 feet to a point; thence, S. 60°12'34" W. 2,000.00 feet to a point; thence, N. 29°47'26" W. 2,000.00 feet to a point; thence, N. 60°12'34" E. 2,000.00 feet to a point; thence, S. 29°47'26" E. 1,400.00 feet to the point of beginning containing 91.83 acres, more or less.

*Housing and VOR Sites:* Commencing at U.S.C. & G.S. Azimuth Mark "Bowe," proceed N. 7°58'11" W. 1,312.68 feet to the point of beginning of this description; thence, North 3,660.00 feet to a point; thence, East 4,000.00 feet to a point; thence, South 4,000.00 feet to a point; thence, West 2,618.00 feet to a point; thence, South 2,160.00 feet to a point; thence, West 2,400.00 feet to a point; thence North 2,500.00 feet to a point; thence, East 1,018.00 feet to the point of beginning containing 494.26 acres more or less.

*Little Lake Recreation Area and Dump Site:* Commencing at the Southwest corner of the housing and VOR site, proceed S. 38°30' W. 3,625.00 feet, more or less, to the point of beginning of this description; thence, South 2,000.00 feet to a point; thence, West 2,000.00 feet to a point; thence, North 3,000.00 feet to a point; thence, East 1,000.00 feet to a point; thence, South 1,000.00 feet to a point; thence, East 1,000.00 feet to the point of beginning containing 114.78 acres, more or less.

*Access Roads, Power and Control Cable R.O.W.:* A right-of-way, 100 feet wide, centerline description as follows:

a. Commencing at Northwest corner of the housing and VOR site, proceed East 2,115.51 feet to the point of beginning of this description; thence, N. 28°35'00" E. 182.35 feet to a point; thence, N. 60°12'34" E. 4,960.00 feet, more or less, to the West boundary of the RCAG and Outer Marker Site Containing 11.81 acres, more or less.

b. Commencing at the point of beginning of the RCAG and Outer Marker Site, proceed S. 29°47'26" E. 50.00 feet to the point of beginning of this description; then, N. 60°12'34" E. 1,169.49 feet to the West boundary of the airfield site containing 2.68 acres, more or less.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted; and

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

Section 12(b)(6) of Public Law (Pub. L.) 94-204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook

Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands described above have been appraised at a value of \$1,525,683. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 3,051.366 acre/ equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 3,051.366 acres of its out-of-region entitlement.

Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *Anchorage Times*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board before June 30, 1982, or to the Interior Board of Land Appeals after June 30, 1982; provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken *before June 30, 1982*, the notice of appeal must be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510, L Street, Suite 100, Anchorage, Alaska 99501.

If an appeal is taken *after June 30, 1982*, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), address given above. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, address given above.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return

receipt shall have until August 2, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board or the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,

*Chief, Branch of ANCSA Adjudication.*

[FR Doc. 82-17884 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

[AA-37846]

#### Alaska Native Claims Selection

On December 17 and 18, 1974, the village corporations of Ninilchik, Seldovia, Tyonek, Knik, Alexander Creek, and Chickaloon, filed village selection applications AA-6685-D, AA-6698-D, AA-6701-F, AA-6706-F, AA-8485-B, AA-8487-B, and AA-8489-B, under Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), for lands withdrawn under Section 11(a)(3) of ANCSA. Section 11(a)(3) authorized the Secretary of the Interior to withdraw deficiency lands from the nearest unreserved, vacant and unappropriated public lands when the lands withdrawn by Secs. 11(a)(1) and 11(a)(2) of ANCSA are insufficient to permit a village or regional corporation to select the acreage it is entitled to select. Because of the unresolved eligibility status of Alexander Creek and Seldovia, their applications were filed in four different methods to cover all alternatives in the event both, either or neither Alexander Creek and Seldovia were determined eligible.

In 1976, each of the applications was reviewed for compliance with the statutory and regulatory requirements of ANCSA. The selections filed did not comply with the mandatory selection requirements for compactness and contiguity and included lands not available for selection. Decisions rejecting these applications for these reasons were issued on May 10 through

17 of 1976. These rejections greatly reduced the village selections under Sec. 12(a) of ANCSA.

A petition for reconsideration of the decisions was filed with the Bureau of Land Management (BLM) on May 26, 1976, and denied on June 7, 1976. On June 8 and 18, 1976, notices of appeal were filed by the villages. On July 2, 1976, the Bureau of Land Management requested that the Alaska Native Claims Appeal Board remand the decisions for reconsideration in accordance with a memorandum from the Acting Assistant Secretary, Land and Water Resources, dated June 14, 1976. The Alaska Native Claims Appeal Board remanded the decisions to the Bureau of Land Management on July 8, 1976, and suspended the appeals pending reconsideration and further action by the Bureau of Land Management.

Since the validity of the selections filed by the eligible villages was questioned, and Alexander Creek and Seldovia were still pending a determination on their eligibility, no conveyances of lands within the Sec. 11(a)(3) withdrawals could be made without some remedial action. To resolve the problems of validity, the villages entered into a conveyance agreement with Cook Inlet Region, Inc., on August 28, 1976, which provided that upon conveyance of the deficiency lands to Cook Inlet Region, Inc., the surface estate of the lands selected under Sec. 12(a) will be reconveyed by Cook Inlet Region, Inc., to the village corporations entitled thereto. (See Appendix B of the Agreement of August 31, 1976, a copy of which is filed in BLM case file AA-37846.)

Cook Inlet Region, Inc., and the Secretary of the Interior entered into an agreement on August 31, 1976, wherein the Secretary of the Interior shall convey to Cook Inlet Region, Inc., the surface and subsurface estates of all public lands, subject to valid existing rights, so described in Appendix A to said agreement. Cook Inlet Region, Inc., shall then reconvey the surface estate of some of the lands to certain village corporations pursuant to the conveyance agreement dated August 28, 1976, between Cook Inlet Region, Inc., and the affected village corporations.

On October 4, 1976, Public Law (Pub. L.) 94-456 (90 Stat. 1934, 1935) was passed in which Sec. 4 amended ANCSA to ratify the August 31, 1976, agreement and authorize the Secretary of the Interior to convey lands under application for selection by village corporations within Cook Inlet Region to Cook Inlet Region, Inc., for reconveyance by the region to such

village corporations, such conveyances constituting a portion of their statutory entitlement.

On June 28, 1977, Cook Inlet Region, Inc., filed selection application AA-37846 under the provisions of Secs. 12(a), 12(b) and 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611), as amended by Sec. 4 of Pub. L. 94-456 (90 Stat. 1934, 1935).

As to the lands described below, selection application AA-37846, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act, as amended by Sec. 4 of Pub. L. 94-456, and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title. This conveyance shall be considered and treated as a conveyance under ANCSA. In view of the foregoing, the surface and subsurface estates of the following described lands, aggregating approximately 265,000.176 acres, are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance:

Mineral Survey No. 2236, Alaska, Situated in the Iliamna Mining District.  
Containing 67,076 acres.

#### Seward Meridian, Alaska (Surveyed)

T. 4 S., R. 23 W.,  
Sec. 24, lots 1 to 4, inclusive, S½SW¼;  
Sec. 25, lots 1 and 2, S½NE¼, NW¼, S½;  
Sec. 35.  
Containing 1,445.49 acres.

T. 5 S., R. 23 W.,  
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;  
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;  
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;  
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;  
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;  
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE½NW¼, E½SW¼, SE½;  
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;  
Secs. 8 to 15, inclusive;  
Sec. 17;  
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;  
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;  
Secs. 20 to 29, inclusive;  
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;  
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;  
Secs. 32 to 35, inclusive.  
Containing 21,557.97 acres.

T. 5 S., R. 24 W.,  
Sec. 21, lot 1;  
Sec. 22, lots 1 to 6, inclusive, NE¼, NE½SE¼;  
Secs. 25 and 28;  
Sec. 27, lots 1, 2, and 3, NW¼NW¼, S½N½, S½;  
Sec. 28, lots 1 to 6, inclusive, SE½SW¼, SE½;  
Sec. 33, lots 1 to 4, inclusive, NE¼, NE½NW¼, E½SE¼;  
Secs. 34 and 35.  
Containing 4,339.11 acres.

T. 6 S., R. 24 W.,  
Secs. 1, 2, and 3;  
Sec. 4, lots 1 to 4, inclusive, E½, SE½NW¼, E½SW¼;  
Sec. 5, lots 1 and 2;  
Sec. 11, lots 1 to 5, inclusive, N½, N½SW¼;  
Sec. 12, lots 1 to 4, inclusive, N½.  
Containing 3,424.53 acres.  
Aggregating 30,834.176 acres.

#### Seward Meridian, Alaska (Unsurveyed)

T. 3 N., R. 17 W.,  
Secs. 5 and 6 (fractional);  
Sec. 7 (fractional).  
Containing approximately 878 acres.

T. 2 N., R. 18 W.,  
Secs. 3, 4, and 5 (fractional);  
Sec. 6, excluding U.S. Survey No. 2369;  
Sec. 7 (fractional), excluding U.S. Survey No. 1436, U.S. Survey No. 2369 and U.S. Survey No. 3449;  
Sec. 8 (fractional), excluding U.S. Survey No. 2369.  
Containing approximately 1,848 acres.

T. 3 N., R. 18 W.,  
Secs. 1 to 6, inclusive;  
Secs. 8, 9, and 10;  
Secs. 11 and 12 (fractional);  
Secs. 14 and 15 (fractional);  
Secs. 16, 17, and 21;  
Secs. 22 and 27 (fractional);  
Secs. 28 to 33, inclusive;  
Sec. 34 (fractional).  
Containing approximately 13,877 acres.

T. 4 N., R. 18 W.,  
Secs. 4 and 9;  
Secs. 16 and 17;  
Secs. 20 and 21;  
Secs. 28 to 33, inclusive.  
Containing approximately 7,616 acres.

T. 2 N., R. 19 W.,  
Secs. 1 to 11, inclusive;  
Secs. 12, 13, and 14 (fractional);  
Secs. 15 to 22, inclusive;  
Secs. 23 and 26 (fractional);  
Sec. 27 (fractional), excluding U.S. Survey No. 5104 and Native allotment AA-6100;  
Secs. 28 and 29;  
Sec. 30 (fractional);  
Sec. 31 (fractional), excluding U.S. Survey No. 5542;  
Sec. 32 (fractional), excluding U.S. Survey No. 4685;  
Sec. 33 (fractional);  
Sec. 34 (fractional).  
Containing approximately 16,339 acres.

T. 3 N., R. 19 W.,  
Sec. 19;  
Secs. 25 to 36, inclusive.  
Containing approximately 8,252 acres.

T. 4 N., R. 19 W.,  
Secs. 21 and 22;  
Secs. 25, 26, and 27.  
Containing approximately 3,200 acres.

T. 2 N., R. 20 W.,  
Secs. 13 to 16, inclusive;  
Secs. 17 to 22 (fractional), inclusive;  
Sec. 23;  
Secs. 24 to 28 (fractional), inclusive;  
Secs. 29, 30, and 32 (fractional), excluding Mineral Survey No. 2236;  
Secs. 33, 34, and 35 (fractional).  
Containing approximately 9,070 acres.

T. 3 N., R. 20 W.,  
Secs. 2 to 11, inclusive;  
Secs. 13, 14, and 15;  
Secs. 22 to 25, inclusive;  
Sec. 36.  
Containing approximately 11,463 acres.

T. 4 N., R. 20 W.,  
Secs. 30 to 33, inclusive.  
Containing approximately 2,496 acres.

T. 2 N., R. 21 W.,  
Secs. 2, 3, and 11 (fractional);  
Secs. 13, 14, and 15 (fractional);  
Secs. 23 and 26 (fractional).  
Containing approximately 3,040 acres.

T. 4 N., R. 21 W.,  
Secs. 14 and 15;  
Secs. 23, 24, and 25.  
Containing approximately 3,200 acres.

T. 4 N., R. 22 W.,  
Secs. 14 and 15 (fractional);  
Sec. 16 (fractional), excluding Native allotments AA-5598 Tract A, AA-5599, AA-5853, and AA-7473;  
Sec. 17 (fractional), excluding Native allotment AA-5853;  
Sec. 18 (fractional);  
Sec. 19 (fractional), excluding Native allotments AA-5606 Tract B and AA-8205;  
Sec. 20 (fractional), excluding Native allotments AA-5598 Tract B, AA-6072, and AA-8205;  
Secs. 21 and 22;  
Secs. 23 and 26 (fractional);  
Secs. 27 and 28;  
Sec. 29, excluding Native allotment AA-8205;  
Sec. 30, excluding Native allotments AA-5606 Tract B and AA-8205;  
Secs. 31 to 34;  
Sec. 35 (fractional).  
Containing approximately 8,640 acres.

T. 5 S., R. 22 W.,  
Sec. 3 (fractional);  
Secs. 4 to 8, inclusive;  
Secs. 9, 10, and 16 (fractional);  
Secs. 17 to 20, inclusive;  
Secs. 21 and 28 (fractional);  
Secs. 29, 30, and 31;  
Secs. 32 and 33 (fractional).  
Containing approximately 9,856 acres.

T. 6 S., R. 22 W.,  
Secs. 5 and 6 (fractional).  
Containing approximately 351 acres.

T. 3 S., R. 23 W.,  
Secs. 4 to 8 inclusive;  
Secs. 13, 16, and 17;  
Secs. 20, 21, and 24;  
Secs. 25 to 29, inclusive;  
Secs. 31, 32, and 33;  
Sec. 34 (fractional);  
Sec. 35, excluding Native allotment AA-7755;  
Sec. 36 (fractional), excluding Native allotment AA-7755.  
Containing approximately 13,793 acres.

T. 4 S., R. 23 W.,  
Secs. 1 and 2 (fractional), excluding Native allotment AA-7755;  
Sec. 3 (fractional);  
Secs. 4, 7, and 8;  
Sec. 9 (fractional);

- Secs. 14 to 17 (fractional), inclusive;  
Sec. 18;  
Secs. 19 and 20 (fractional);  
Secs. 21 and 22;  
Sec. 23 (fractional);  
Secs. 26 to 34, inclusive.  
Containing approximately 13,520 acres.
- T. 6 S., R. 23 W.,  
Sec. 1 (fractional);  
Sec. 2 (fractional), excluding U.S. Survey No. 5891 and U.S. Survey No. 4854;  
Secs. 3 to 10, inclusive;  
Sec. 11 (fractional), excluding U.S. Survey No. 4854 and U.S. Survey No. 5891;  
Secs. 12, 14, and 15 (fractional);  
Secs. 16 and 17;  
Secs. 18 to 22 (fractional), inclusive;  
Secs. 29 and 30 (fractional).  
Containing approximately 10,558 acres.
- T. 4 S., R. 24 W.,  
Secs. 12, 13, and 14;  
Secs. 19 to 36, inclusive.  
Containing approximately 13,173 acres.
- T. 5 S., R. 24 W.,  
Secs. 1 to 5, inclusive;  
Secs. 6 and 7 (fractional);  
Secs. 8 to 14, inclusive;  
Secs. 15 to 18 (fractional), inclusive;  
Sec. 21 (fractional), excluding lot 1;  
Secs. 23 and 24.  
Containing approximately 11,264 acres.
- T. 6 S., R. 24 W.,  
Sec. 8 (fractional);  
Secs. 9 and 10;  
Secs. 13 and 14 (fractional);  
Secs. 15 and 16;  
Secs. 17 to 21 (fractional), inclusive;  
Sec. 22;  
Secs. 23, 26, 27, and 28 (fractional).  
Containing approximately 6,831 acres.
- T. 5 S., R. 25 W.,  
Secs. 1 and 2 (fractional);  
Secs. 3 to 11, inclusive;  
Secs. 12 and 13 (fractional);  
Secs. 14 to 17, inclusive;  
Secs. 20 to 23, inclusive;  
Secs. 24 and 25 (fractional);  
Secs. 26 to 29, inclusive;  
Sec. 31 (fractional);  
Secs. 32 to 35, inclusive;  
Sec. 36 (fractional).  
Containing approximately 20,064 acres.
- T. 6 S., R. 25 W.,  
Sec. 1 (fractional);  
Secs. 2 to 5, inclusive;  
Secs. 6 and 7 (fractional);  
Secs. 8 to 11, inclusive;  
Secs. 12 and 13 (fractional);  
Secs. 14 to 17, inclusive;  
Sec. 18 (fractional);  
Secs. 20 to 23 (fractional), inclusive;  
Secs. 27 to 32 (fractional), inclusive.  
Containing approximately 12,127 acres.
- T. 7 S., R. 25 W.,  
Secs. 4 and 5 (fractional);  
Secs. 6 and 7;  
Secs. 8, 9, and 17 (fractional);  
Sec. 18;  
Secs. 19 and 20 (fractional).  
Containing approximately 4,214 acres.
- T. 5 S., R. 26 W.,  
Secs. 29 and 30;
- Secs. 32 to 35, inclusive.  
Containing approximately 3,808 acres.
- T. 6 S., R. 26 W.,  
Sec. 1 (fractional), excluding U.S. Survey No. 3428;  
Sec. 2, excluding U.S. Survey No. 3428;  
Secs. 3, 10, and 11;  
Secs. 12 and 13 (fractional);  
Sec. 14, excluding Native allotments AA-4225 Tract II and AA-6342;  
Secs. 15 and 20;  
Sec. 21 (fractional), excluding U.S. Survey No. 1752;  
Sec. 22 (fractional), excluding Native allotments AA-5606 Tract A and AA-6342;  
Sec. 23 (fractional), excluding Native allotments AA-4225 Tract II, AA-4592 Parcel A, and AA-6342;  
Sec. 24 (fractional), excluding Native allotment AA-4592 Parcel A;  
Sec. 25 (fractional), excluding Native allotment AA-5574;  
Sec. 26 (fractional);  
Sec. 27 (fractional), excluding Native allotment AA-5575;  
Sec. 28 (fractional), excluding Native allotments AA-5575 and AA-5577;  
Sec. 29;  
Secs. 34, 35, and 36.  
Containing approximately 9,717 acres.
- T. 7 S., R. 26 W.,  
Secs. 1 to 20, inclusive, all;  
Secs. 21 to 24 (fractional), inclusive;  
Sec. 29 (fractional).  
Containing approximately 14,969 acres.  
Aggregating approximately 234,166 acres.  
Total aggregating approximately 265,000.176 acres.
- Excluded from the above-described lands herein approved for conveyance are lands covered by tidal water up to the mean high tide. The actual limits of tidal influence for those water bodies, if any, will be determined at time of survey.
- There are no inland water bodies considered to be navigable within the above-described lands.
- Within the above-described lands, the following water bodies are considered to be tidally influenced:
- Johnson River to the west boundary of Sec. 2, T. 2 S., R. 20 W., Seward Meridian.
- Polly Creek to the west boundary of Secs. 6 and 7, T. 2 N., R. 18 W., Seward Meridian.
- Iniskin River throughout the selection.
- Glacier Creek to the west boundary of Sec. 34, T. 3 S., R. 23 W., Seward Meridian.
- Redoubt Creek to the west boundary of Sec. 2, T. 3 N., R. 18 W., Seward Meridian.
- Crescent River to the west boundary of Sec. 27, T. 2 N., R. 19 W., Seward Meridian.
- Brown Creek to the south boundary of Sec. 2, T. 6 S., R. 23 W., Seward Meridian.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; or lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions do not constitute a rejection of the selection application, unless specifically so stated.

Pursuant to Sec. 4(a) of Pub. L. 94-456, the lands described above will be conveyed as partial satisfaction of the statutory entitlement of certain village corporations within Cook Inlet Region. "Statutory entitlement" of village corporations includes the land entitlements granted under Secs. 12(a) and 12(b) of ANCSA.

Pursuant to the August 31, 1976 agreement, the acreage to be charged against each village's 12(a) entitlement will be determined after reconveyance to those villages by Cook Inlet Region, Inc.

Acreages will be charged against the 12(b) entitlements of the participating village corporations subsequent to reallocation and conveyance of the 12(b) entitlements by Cook Inlet Region, Inc., pursuant to Sec. VII(A) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as ratified by Public Law 94-204 (89 Stat. 1151). Section VII(A) of the Terms and Conditions reaffirms Cook Inlet Region, Inc.'s, obligation under ANCSA to reallocate Sec. 12(b) entitlements to the participating villages, and lists those lands from which this entitlement will be conveyed.

Section E of the agreement of August 31, 1976, provides that if the Secretary has conveyed more land to Cook Inlet Region, Inc., pursuant to this agreement than the village corporations are actually entitled to receive under Sec. 12 of ANCSA, when added to lands otherwise received by such village corporations, the excess acreage shall be retained by Cook Inlet Region, Inc., and shall be regarded as conveyances of land outside the boundaries of Cook Inlet Region pursuant to Paragraph I(C)(1) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, and the corporation's out-of-region entitlement will be adjusted accordingly.

Therefore, any lands conveyed herein which are not reconveyed to any village corporation by Cook Inlet Region, Inc., will be charged against the out-of-region entitlement of Cook Inlet Region, Inc.,

under Paragraph I(C)(1) of the Terms and Conditions.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, reference by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-16636, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

**50 Foot Trail**—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles (ATV's), track vehicles, and four-wheel drive vehicles.

**60 Foot Road**—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles (ATV's), track vehicles, four-wheel drive vehicles, automobiles, and trucks.

**One Acre Site**—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

**Site Easement (Airstrip)**—The uses allowed for a site easement (airstrip) are: aircraft landing, vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 20 D9) An easement for a proposed access trail twenty-five (25) feet in width from road FAS Route 424 in Sec. 33, T. 5 S., R. 26 W., Seward Meridian, northerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 21 C5) A site easement for a bush airstrip two hundred and fifty (250)

feet in width and three thousand (3,000) feet in length located in Secs. 29, 32, and 33, T. 5 S., R. 26 W., Seward Meridian. The uses allowed are those listed above for an airstrip site.

c. (EIN 23 D9) A one (1) acre site easement upland of the mean high tide line in Sec. 1, T. 5 S., R. 25 W., Seward Meridian, on the westerly shore of Iniskin Bay. The uses allowed are those listed above for a one (1) acre site.

d. (EIN 24 D9) An easement for an existing access trail twenty-five (25) feet in width from Oil Bay in Sec. 11, T. 6 S., R. 24 W., Seward Meridian, northerly to Sec. 36, T. 5 S., R. 24 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 24a C5) A one (1) acre site easement upland of the mean high tide line in Sec. 11, T. 6 S., R. 24 W., Seward Meridian, on the westerly shore of Oil Bay. The uses allowed are those listed above for a one (1) acre site.

f. (EIN 26 D9, C3) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 27 C5 in Sec. 1, T. 6 S., R. 23 W., Seward Meridian, northerly to public land in Sec. 36, T. 5 S., R. 23 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

g. (EIN 27 C5) A one (1) acre site easement upland of the mean high tide line in Sec. 1, T. 6 S., R. 23 W., Seward Meridian, on the northerly shore of Dry Bay. The uses allowed are those listed above for a one (1) acre site.

h. (EIN 28 D9) An easement for an existing access trail twenty-five (25) feet in width from site EIN 29 C3 in Sec. 17, T. 4 S., R. 22 W., Seward Meridian, southwesterly to Sec. 36, T. 4 S., R. 23 W., Seward Meridian and on to Sec. 16, T. 5 S., R. 23 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 29 C3) A one (1) acre site easement upland of the mean high tide line in Sec. 17, T. 4 S., R. 22 W., Seward Meridian, on the southerly shore of Chinikna Bay on Seal Spit. The uses allowed are those listed above for a one (1) acre site.

j. (EIN 30 D9) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 23 D9 in Sec. 1, T. 5 S., R. 25 W., Seward Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

k. (EIN 31 D9) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 32 D9 in Sec. 3, T. 4 S., R. 23 W., Seward Meridian,

northerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

l. (EIN 32 D9) A one (1) acre site easement upland of the mean high tide line in Sec. 3, T. 4 S., R. 23 W., Seward Meridian, on the left bank of West Glacier Creek. The uses allowed are those listed above for a one (1) acre site.

m. (EIN 38 D9) A one (1) acre site easement upland of the mean high tide line in Sec. 12, T. 2 S., R. 20 W., Seward Meridian, at the mouth of the Johnson River on the right bank. The uses allowed are those listed above for a one (1) acre site.

n. (EIN 39 D9) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 40 D9 in Sec. 2, T. 1 S., R. 20 W., Seward Meridian, southwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

o. (EIN 40 D9) A one (1) acre site easement upland of the mean high tide line in Sec. 2, T. 1 S., R. 20 W., Seward Meridian, on the westerly shore of the Tuxedni Channel. The uses allowed are those listed above for a one (1) acre site.

p. (EIN 44 D9, C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 34, T. 2 N., R. 19 W., Seward Meridian, on the left bank of the Crescent River. The uses allowed are those uses listed above for a one (1) acre site.

q. (EIN 47 D9) An easement for a proposed access trail twenty-five (25) feet in width from the east boundary of Sec. 16, T. 4 N., R. 18 W., Seward Meridian through the selected lands in a northwesterly direction upstream along Harriet Creek to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

r. (EIN 67 C5) A one (1) acre site easement upland of the mean high tide line in Sec. 8, T. 2 N., R. 18 W., Seward Meridian, near the mouth of Polly Creek on the shore of Cook Inlet. The uses allowed are those listed above for a one (1) acre site.

s. (EIN 67a C4) A proposed trail twenty-five (25) feet in width from site easement EIN 67 C5 in Sec. 8, T. 2 N., R. 18 W., Seward Meridian, northerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat, or supplemental plat, of survey confirming



the boundary description and acreage of the lands herein granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA, shall continue to have whatever right of access as is now provided for under existing law;

3. The terms and conditions of the agreement dated August 31, 1976, between Cook Inlet Region, Inc., and the Secretary of the Interior. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management selection case file for Cook Inlet Region, Inc., serialized AA-37846. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513;

4. Airport lease, A-051273, located in N½ of Sec. 7, T. 2 N., R. 18 W., Seward Meridian, issued to John S. Swiss under the provisions of the act of May 24, 1928 (49 U.S.C. 211-214 (1970)); and

5. Any right-of-way interest in FAS Route Number 424 from Iliamna Bay northeast to Old Iliamna with a spur to Iliamna Lake transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the Authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) located in Tps. 5 and 6 S., R. 26 W., Seward Meridian.

Conveyance of the remaining entitlement of Sec. 11(a)(3) lands shall be made to Cook Inlet Region, Inc., at a later date.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *Anchorage Times*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of*

*Federal Regulations* (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509  
Ninilchik Natives Association, Inc., P.O. Box 173, Ninilchik, Alaska 99639  
Salamatof Native Association, Inc., P.O. Box 2682, Kenai, Alaska 99611  
Seldovia Native Association, Inc., P.O. Box 185, Seldovia, Alaska 99663  
Tyonek Native Corporation, 445 East Fifth Avenue, Suite 9, Anchorage, Alaska 99501  
Knikatu, Inc., P.O. Box 2130, Wasilla, Alaska 99687  
Alexander Creek, Inc., 8126 Tri-Lake Road, Anchorage, Alaska 99502  
Chickaloon Moose Creek Native Association, Inc., 2600 Fairbanks Street, Anchorage, Alaska 99501

State of Alaska, Department of Natural Resources, Division of Technical Services, Pouch 7-005, Anchorage, Alaska 99510

Ann Johnson,  
Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17885 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

[F-14908-B]

### Alaska Native Claims Selection

On October 11, 1974, Sitnasuak Native Corporation, for the Native village of Nome, filed selection application F-14908-B under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (1976) (ANCSA), for the surface estate of certain lands in the vicinity of Nome.

As to the lands described below, the application submitted by Sitnasuak Native Corporation, as amended, is properly filed, and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to sec. 12(a) of ANCSA, aggregating approximately 9,440 acres, is considered proper for acquisition by Sitnasuak Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act.

Mineral Survey No. 2297, Alaska, known as "Hub" Placer Claim, comprising "Hub" situate in Section 15, T. 12 S., R. 32 W., Kateel River Meridian, Nome mining district (unsurveyed).

Containing 17.635 acres.

### Kateel River Meridian, Alaska (Unsurveyed)

T. 12 S., R. 32 W.,  
Secs. 1, 2, and 3;  
Sec. 4, excluding Mineral Survey No. 514;  
Sec. 5, excluding Mineral Survey No. 514 and Mineral Survey No. 1805;  
Sec. 6, excluding Native allotment F-16512;  
Sec. 7 (fractional), excluding Mineral Survey No. 348, Mineral Survey No. 1257, Mineral Survey No. 1266, and Mineral Survey No. 1329;  
Sec. 8 (fractional), excluding Mineral Survey No. 1329, Mineral Survey No. 1805, and Native allotment F-530 Parcel B;  
Sec. 9, excluding Mineral Survey No. 416 and Mineral Survey No. 1148;  
Secs. 10, 11, and 12;  
Sec. 13 (fractional), excluding U.S. Survey No. 5008;  
Sec. 14, excluding Native allotment F-18500 Parcel A;



Sec. 15 (fractional), excluding Mineral Survey No. 2297;  
 Sec. 16 (fractional), excluding U.S. Survey No. 4427 and Mineral Survey No. 1148;  
 Sec. 17 (fractional), excluding U.S. Survey No. 4430, Mineral Survey No. 1148, and Native allotment F-530 Parcel B;  
 Sec. 22 (fractional), excluding Mineral Survey No. 2297;  
 Sec. 23 (fractional), excluding U.S. Survey No. 4403A (Native allotment F-031356) and Native allotment F-18500 Parcel A;  
 Sec. 24 (fractional).  
 Containing approximately 9,422 acres.  
 Total aggregated acreage approximately 9,440 acres.

All named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, it was determined that there are no navigable water bodies within the land described.

Excluded from the above-described lands herein conveyed are lands covered by tidal waters up to the line of mean high tide. The actual limits of tidal influence for those water bodies, if any, will be determined at the time of survey.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14908-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 45 D1, L) An easement for an existing access trail twenty-five (25) feet in width from Nome in Sec. 36, T. 11 S., R. 34 W., Kateel River Meridian, southeasterly to Solomon. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 125 D1) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line in Sec. 12, T. 12 S., R. 33 W., Kateel River Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2) (ANCSA)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Any right-of-way interest in Federal Aid Secondary (FAS) Route No. 130 (Nome-Council Road) from Nome FAA Airfield east through Nome and Solomon to FAS Route 1304 at Council transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to T. 12 S., R. 32 W., Secs. 7, 8, 13, 14, 15, 16, 17, 22, 23, and 24, Kateel River Meridian; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the

lands hereinabove granted, as are prescribed in said section.

Reindeer Grazing Permit, F-035186, issued to Lawrence T. Davis, on January 1, 1982, located within the lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with Sec. 9, Additional Condition or Stipulation No. 1 of the permit.

Sitnasuak Native Corporation is entitled to conveyance of 161,280 acres of land selected pursuant to Sec. 12(a) of ANCSA.

Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 79,053 acres. The remaining entitlement of approximately 82,227 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issues to Bering Straits Native Corporation when the surface estate is conveyed to Sitnasuak Native Corporation and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week for four (4) consecutive weeks in the Nome Nugget.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board before June 30, 1982, or to the Interior Board of Land Appeals after June 30, 1982; provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken *before June 30, 1982*, the notice of appeal must be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

If an appeal is taken *after June 30, 1982*, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), address given above. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of

pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, address given above.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board or the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Technical Services, Pouch 7-005, Anchorage, Alaska 99510.

Sitnasuak Native Corporation, P.O. Box 905, Nome, Alaska 99762.

Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.

Ruth Stockie,

*Acting Chief, Branch of ANCSA Adjudication.*

[FR Doc. 82-17886 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### [F-14908-B]

#### Alaska Native Claims Selection

On October 11, 1974, Sitnasuak Native Corporation, for the Native village of Nome, filed selection application F-14908-B under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (1976) (ANCSA), for the surface estate of certain lands in the vicinity of Nome.

As to the lands described below, the applications submitted by Sitnasuak Native Corporation, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto.

These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 69,612 acres, is considered proper for acquisition by Sitnasuak Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act.

U.S. Survey No. 4107, lots 2, 6, 7, 8, 9, 11, 12, 13, 14, 19 (excluding Native allotment F-1050 Parcel A), 26, 28, 29, 30, 31, 33, 36, 37, 38, 39, 41, 44, 54, 55, 57, 59, 60, 61, 63, 64, and 69, situated on a spit of land between Norton Sound and Safety Sound and surrounding U.S. Survey No. 2918, Alaska.

Containing approximately 160 acres.

#### Kateel River Meridian, Alaska

T. 11 S. R. 31 W. (Partially Surveyed),

Secs. 5, 6, and 7, excluding Native allotment F-13772 Parcel A;

Sec. 8;

Sec. 16, excluding U.S. Survey No. 4403 B (Native allotment F-031356 Parcel B) and U.S. Survey No. 5057;

Sec. 17, excluding U.S. Survey No. 4403 B (Native allotment F-031356 Parcel B), Native allotment F-530 Parcel A, and the Eldorado River;

Sec. 18, excluding Native allotment F-13772 Parcel B;

Sec. 19, excluding Native allotments F-14762 Parcel C, F-19304, and the Flambeau River;

Sec. 20, excluding U.S. Survey No. 4403 B (Native allotment F-031356 Parcel B), Native allotments F-14762 Parcel C, F-17528, F-18226, the Eldorado River, the Flambeau River, and Safety Sound;

Sec. 21, excluding U.S. Survey No. 4403 B (Native allotment F-031356 Parcel B) and U.S. Survey No. 5057;

Sec. 28, excluding Safety Sound;

Sec. 29, excluding Native allotments F-14762 Parcel C, F-17528, Safety Sound, and the unnamed slough entering Safety Sound;

Sec. 30, excluding Native allotment F-14762 Parcel C;

Secs. 31, 32, and 33 (fractional).

Containing approximately 8,021 acres.

T. 12 S., R. 31 W. (Surveyed),

Secs. 3, 4, 5, and 6 (fractional);

Sec. 7;

Secs. 8, 9, and 10 (fractional);

Sec. 11 (fractional), excluding U.S. Survey No. 4107;

Secs. 12 and 13 (fractional), excluding U.S. Survey No. 4107 and Native allotment F-18500 Parcel B;

Secs. 15 and 16 (fractional), excluding U.S. Survey No. 4107;

Sec. 17 (fractional), excluding U.S. Survey No. 4107 and Native allotment F-3376 Parcel A;

Sec. 18, excluding Native allotments F-570 and F-3376 Parcel A;

Sec. 19 (fractional), excluding Native allotment F-3376 Parcel A.

Containing approximately 4,601 acres.

T. 10 S., R. 32 W. (Partially Surveyed), Sec. 36.

Containing approximately 640 acres.

T. 11 S., R. 32 W. (Partially Surveyed), Secs. 1, 13 and 19;

Secs. 24 and 25;

Secs. 30, 31, and 36.

Containing approximately 5,075 acres.

T. 9 S., R. 34 W. (Partially Surveyed), Secs. 1, 12, and 13;

Sec. 21, lot 1;

Secs. 22 to 26, inclusive;

Sec. 27, lot 1;

Secs. 28 and 33;

Sec. 34, lots 1 and 2;

Sec. 35, lot 1;

Sec. 36.

Containing approximately 9,366 acres.

T. 9 S., R. 35 W. (Partially Surveyed), Secs. 4 and 5;

Secs. 6 and 7, excluding Mineral Survey application F-23164;

Secs. 8 and 9;

Sec. 18, excluding Mineral Survey application F-23164;

Sec. 19;

Secs. 29, 30, 31, and 32.

Containing approximately 7,076 acres.

T. 9 S., R. 36 W. (Partially Surveyed),

Secs. 1, 2, and 3;

Secs. 4 and 5, excluding Native allotment F-16726;

Secs. 6 and 7;

Secs. 8 and 9; excluding Native allotment F-16726;

Secs. 10 and 11;

Secs. 12 and 13, excluding Mineral Survey application F-23164;

Secs. 14 to 18, inclusive;

Secs. 21, 22, and 23;

Secs. 24 and 25, excluding Mineral Survey application F-23164;

Secs. 26, 27, 28, and 33;

Sec. 34, lots 1 and 2;

Sec. 35, excluding Mineral Survey No. 1134;

Sec. 36.

Containing approximately 18,148 acres.

T. 10 S., R. 36 W. (Partially Surveyed),

Secs. 1 and 2;

Sec. 3, lots 1 and 2;

Sec. 4, lots 1 and 2;

Sec. 9, lots 1 and 2;

Secs. 10, 11, and 12;

Sec. 13, lots 1 and 2;

Sec. 14;

Sec. 15, lots 1 and 2;

Sec. 16, lots 1 and 2;

Sec. 22, lots 1 and 2;

Sec. 23, excluding Mineral Survey No. 1260 and Mineral Survey No. 1331;

Sec. 24, lots 1 and 2;

Sec. 25, lots 1 and 2;

Sec. 26; excluding Mineral Survey No. 1102;

Sec. 35;

Sec. 36, lots 1 and 2.

Containing approximately 11,000 acres.

T. 11 S., R. 36 W. (Surveyed),

Sec. 1, lots 1 and 2;

Sec. 2, excluding Mineral Survey No. 1102 and Native allotment F-15016;  
 Secs. 3 and 4;  
 Secs. 5 and 6, excluding Native allotment F-16513 Parcel A;  
 Secs. 7 and 8 (fractional), excluding Native allotment F-16513 Parcel A;  
 Secs. 9 and 10 (fractional);  
 Sec. 11, excluding Mineral Survey No. 1102 and Native allotments F-15015, F-15016, and F-15018;  
 Sec. 12, lots 1 and 3;  
 Sec. 13 (fractional), excluding Mineral Survey No. 1102 and Native allotment F-15017;  
 Sec. 14 (fractional), excluding Native allotment F-15017;  
 Sec. 15 (fractional).  
 Containing approximately 5,535 acres.  
 Aggregating approximately 69,452 acres.  
 Total aggregated acreage, approximately 69,612 acres.

All named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

Excluded from the above-described lands herein approved for conveyance are the following water bodies for which a final determination as to tidal influence has been made:

The Eldorado River has tidal influence from its mouth to the east section line of Secs. 17, T. 11 S., R. 31 W., Kateel River Meridian;

The Flambeau River has tidal influence from its mouth to the north section line of Sec. 19, T. 11 S., R. 31 W., Kateel River Meridian;

The Cripple River has tidal influence from its mouth to the north section line of Sec. 12, T. 11 S., R. 36 W., Kateel River Meridian.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14908-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25-Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

**50-Foot Trail**—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

a. (EIN 3a D1, D9, L) An easement for an existing access trail fifty (50) feet in width from the Nome-Teller Road in Sec. 8, T. 9 S., R. 36 W., Kateel River Meridian, southwesterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

b. (EIN 6 L) An easement for an existing access trail fifty (50) feet in width from the Nome-Teller Road in Sec. 30, T. 9 S., R. 35 W., Kateel River Meridian, easterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

c. (EIN 24 D1, L) An easement for a proposed access trail fifty (50) feet in width from the Jensen's Camp Road in Sec. 12, T. 9 S., R. 34 W., Kateel River Meridian, southwesterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 43 D1, L) An easement for an existing access trail fifty (50) feet in width from the Jensen's Camp Road in Sec. 12, T. 9 S., R. 34 W., Kateel River Meridian, easterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

e. (EIN 45 D1, L) An easement for an existing access trail twenty-five (25) feet in width from Nome in Sec. 36, T. 11 S., R. 34 W., Kateel River Meridian, southeasterly to Solomon. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

f. (EIN 72 D1, D9, L) An easement for an existing access trail twenty-five (25) feet in width from Nome in Sec. 27, T. 11

S., R. 34 W., Kateel River Meridian, westerly to Teller. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. A right-of-way, F-025316, located within Sec. 16, T. 9 S., R. 36 W., Kateel River Meridian, for a Federal Aid material site. Act of August 27, 1958, as amended (23 U.S.C. 317);

4. A right-of-way, F-030479, located within Secs. 14, 16, and 17, T. 9 S., R. 36 W., and Sec. 31, T. 9 S., R. 35 W., Kateel River Meridian, for three Federal Aid material sites. Act of August 27, 1958, as amended (23 U.S.C. 317);

5. A right-of-way, F-031401, located within Secs. 5, 6, 7, and 8, T. 9 S., R. 36 W., Kateel River Meridian, 200 feet in width, for a Federal Aid Highway. Act of August 27, 1958, as amended (23 U.S.C. 317);

6. A right-of-way, F-031428, located within Secs. 4, 5, 8, 17 and 18, T. 9 S., R. 36 W., Kateel River Meridian, for a Federal Aid material site. Act of August 27, 1958, as amended (23 U.S.C. 317);

7. A right-of-way, F-033602, Parcel No. 4, located within Secs. 19, 30, and 31, T. 9 S., R. 35 W., Secs. 8, 9, 13, 14, 15, 16, 17, and 24, T. 9 S., R. 36 W., Kateel River Meridian, 200 feet in width, for a Federal Aid Highway. Act of August 27, 1958, as amended (23 U.S.C. 317);

8. Any right-of-way interest in Federal Aid Secondary (FAS) Route No. 130 (Nome-Council Road) from Nome FAA Airfield east through Nome and Solomon to FAS Route 1304 at Council transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce

under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to T. 12 S., R. 31 W., Kateel River Meridian;

9. Any right-of-way interest in Federal Aid Secondary (FAS) Route No. 131 (Nome-Teller Road) from FAS Route 141 near Nome northwest to Teller transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Tps. 9 S., Rs. 35 and 36 W., Kateel River Meridian;

10. Any right-of-way interest in Federal Aid Secondary (FAS) Route No. 1311 (Snake River Road) from FAS Route 131 near Nome, northerly to Jensen's Mining and Recreation area transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to T. 9 S., R. 34 W., Kateel River Meridian;

11. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Reindeer Grazing Permit, F-23293, issued to Sitnasuak Native Corporation, on January 1, 1982, located within lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with Sec. 9, Additional Condition or Stipulation No. 1 of the permit.

Reindeer Grazing Permit, F-030165, issued to Wilfred Kakaruk, on January 1, 1982, located within the lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with Sec. 9, Additional Condition or Stipulation No. 2 of the permit.

Reindeer Grazing Permit, F-035186, issued to Lawrence T. Davis, on January 1, 1982, located within the lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with Sec. 9, Additional Condition or Stipulation No. 1 of the permit.

Sitnasuak Native Corporation is entitled to conveyance of 161,280 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 69,613 acres. The remaining entitlement of approximately 91,667 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Bering Straits Native Corporation when the surface estate is conveyed to Sitnasuak Native Corporation, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2560.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Nome Nugget.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board before June 30, 1982, or to the Interior Board of Land Appeals after June 30, 1982; provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken *before June 30, 1982*, the notice of appeal must be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

If an appeal is taken *after June 30, 1982*, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), address given above. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, address given above.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board or the Bureau of Land Management, Alaska

State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Technical Services, Pouch 7-005, Anchorage, Alaska 99510

Sitnasuak Native Corporation, P.O. Box 905, Nome, Alaska 99762

Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762

Ruth Stockie,

*Acting Chief, Branch of ANCSA Adjudication.*

[FR Doc. 82-17887 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### [F-19571-A]

#### Alaska Native Claims Selection

On November 13, 1974, Chuloonawick Corporation, for the Native village of Chuloonawick, filed selection application F-19571-A, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)), as amended, for the surface estate of certain lands in the vicinity of Chuloonawick, including lands within the Clarence Rhode National Wildlife Range (Public Land Order (PLO) 4584), 34 FR 1143.

On December 2, 1980, Sec. 303(7), Public Law 96-487, the Alaska National Interest Lands Conservation Act, established the Yukon Delta National Wildlife Refuge consisting of the Clarence Rhode National Wildlife Range (PLO 4584) and additions thereto.

Section 12(a)(1) of ANCSA provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from the National Wildlife Refuge System. This decision approves approximately 3,271 acres of National Wildlife Refuge System lands for conveyance to Chuloonawick Corporation. This acreage does not exceed the 69,120 acres permitted under Sec. 12(a)(1).

As to the lands described below, selection application F-19571-A is properly filed and meets the requirements of ANCSA and of the

regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 62,450 acres, is considered proper for acquisition by Chuloonawick Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

**Lands Within Public Land Order 4584**  
(Clarence Rhode National Wildlife Range),  
Now Known as the Yukon Delta National Wildlife Refuge

*Seward Meridian, Alaska (Unsurveyed)*

T. 33 N., R. 78 W.,

Sec. 7, excluding Native allotment F-18716 Parcel B;

Sec. 18, excluding Native allotments F-18716 Parcel B and F-18616 Parcel C;

Sec. 19, that portion within PLO 4584, excluding Native allotments F-18696 Parcel B and F-18466 Parcel B;

Sec. 30, that portion within PLO 4584. Containing approximately 1,341 acres.

T. 33 N., R. 79 W.,

Sec. 1;

Secs. 2, 3, and 12, those portions within PLO 4584;

Sec. 13, that portion within PLO 4584, excluding Native allotment F-18472 Parcel A;

Secs. 24 and 25, those portions within PLO 4584.

Containing approximately 1,930 acres. Aggregating approximately 3,271 acres.

**Lands Outside Public Land Order 4584**  
(Clarence Rhode National Wildlife Range),  
Now Known as the Yukon Delta National Wildlife Refuge

*Seward Meridian, Alaska (Unsurveyed)*

T. 33 N., R. 78 W.,

Sec. 19, that portion outside PLO 4584, excluding Native allotments F-18696 Parcel B and F-18466 Parcel B;

Sec. 30, that portion outside PLO 4584, excluding Native allotment F-18466 Parcel B;

Secs. 31 and 32.

Containing approximately 1,738 acres.

T. 31 N., R. 79 W.,

Secs. 4, 5, and 6;

Sec. 8;

Sec. 9, excluding Native allotments F-18730 Parcel A and F-18653;

Sec. 10, excluding Native allotments F-18653 and F-18585 Parcel B;

Sec. 16, excluding Native allotment F-18653;

Sec. 21, excluding Native allotment F-18652 Parcel A;

Sec. 28, excluding Native allotment F-18654 Parcel C;

Containing approximately 4,817 acres.

T. 32 N., R. 79 W.,

Secs. 5 to 8, inclusive;

Secs. 17 and 18;

Sec. 19, excluding Native allotment F-18754 Parcel A;

Sec. 20;

Secs. 29 to 33, inclusive.

Containing approximately 6,751 acres.

T. 33 N., R. 79 W.,

Sec. 2, that portion outside PLO 4584;

Sec. 3, that portion outside PLO 4584, excluding Native allotment F-18353 Parcel B;

Secs. 4 to 9, inclusive;

Sec. 10, excluding Native allotment F-18353 Parcel B;

Sec. 11;

Sec. 12, that portion outside PLO 4584;

Sec. 13, that portion outside PLO 4584;

Secs. 14 to 19, inclusive;

Sec. 20, excluding Native allotment F-18696 Parcel A;

Secs. 21, 22, and 23;

Secs. 24 and 25, those portions outside PLO 4584;

Secs. 26, 27, and 28;

Sec. 29, excluding Native allotment F-18466 Parcel A;

Secs. 30 to 36, inclusive.

Containing approximately 18,410 acres.

T. 34 N., R. 79 W.,

Sec. 31.

Containing approximately 495 acres.

T. 32 N., R. 80 W.,

Secs. 1 and 2;

Sec. 3, excluding Native allotment F-18616 Parcel B;

Secs. 4 to 9 inclusive;

Sec. 10, excluding Native allotments F-18472 Parcel B, F-18616 Parcel B, and F-18465 Parcel C;

Sec. 11, excluding Native allotments F-18472 Parcel B, and F-18471 Parcel A;

Sec. 12, excluding Native allotment F-18717 Parcel B;

Sec. 13, excluding Native allotments F-18717 Parcel B, F-18465 Parcel B, and F-18471 Parcel D;

Sec. 14, excluding Native allotments F-18471 Parcels A, B, C, and D, F-18655 Parcel D, F-18465 Parcels A and B, and F-18348 Parcel B;

Secs. 15 to 22, inclusive;

Sec. 23, excluding Native allotment F-18624 Parcel C;

Secs. 24 to 36, inclusive.

Containing approximately 21,651 acres.

T. 33 N., R. 80 W.,

Secs. 1, 12, and 13;

Sec. 24, excluding Native allotment F-18629 Parcel B;

Sec. 25;

Secs. 34, 35, and 36.

Containing approximately 4,840 acres.

T. 34 N., R. 80 W.,

Sec. 36.

Containing approximately 477 acres.

Aggregating approximately 59,179 acres.

Total aggregated acreage approximately 62,450 acres.

Excluded from the above-described

lands herein approved for conveyance

are the submerged lands, up to the

ordinary high water mark, beneath all

water bodies determined by the Bureau

of Land Management to be navigable

because they have been or could be

used in connection with travel, trade

and commerce. Those water bodies are

identified on the attached navigability

maps, the original of which will be

found in easement case file F-19571-EE.

Also excluded from the above-

described lands herein approved for

conveyance are lands covered by tidal

waters up to the line of mean high tide.

The actual limits of tidal influence for

those water bodies, if any, will be

determined at the time of survey.

of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-19571-EE.

Also excluded from the above-described lands herein approved for conveyance are lands covered by tidal waters up to the line of mean high tide. The actual limits of tidal influence for those water bodies, if any, will be determined at the time of survey.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded because the lands are under applications pending further adjudication. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, a copy of which will be found in case file F-19571-EE, is reserved to the United States. This easement is subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for this type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 2 C5, M) An easement twenty-five (25) feet in width for an existing access trail from Chuloonawick in Sec. 14, T. 32 N., R. 80 W., Seward Meridian, southerly to Emmonak. The uses allowed are those listed above for a

twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(g)), that (a) the above-described lands which were, on December 18, 1971, within the boundaries of the Clarence Rhode National Wildlife Range (PLO 4584), now known as the Yukon Delta National Wildlife Refuge (P.L. 96-487), remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Chuloonawick Corporation is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 62,450 acres. The remaining entitlement of approximately 6,670 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above, excluding those lands which, on December 18, 1971, were withdrawn by PLO 4584, and which are reserved thereby as a national wildlife refuge, shall be issued

to Calista Corporation when the surface estate is conveyed to Chuloonawick Corporation and shall be subject to the same conditions as the surface conveyance. This conveyance to Calista Corporation will include the subsurface estate of those lands outside of PLO 4584, which were withdrawn, subject to valid existing rights, as the Yukon Delta National Wildlife Refuge by Pub. L. 96-487 on December 2, 1980. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the National Wildlife Refuge System, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region. The total amount of wildlife refuge system lands withdrawn prior to December 18, 1971 which have been approved for conveyance to Chuloonawick Corporation is approximately 3,271 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week for four (4) consecutive weeks in *The Tundra Drums*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return

receipt shall have until August 2, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing and appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Chuloonawick Corporation,  
Chuloonawick, Alaska, Via Emmonak,  
Alaska 99581

Calista Corporation, 516 Denali Street,  
Anchorage, Alaska 99501

Ann Johnson,  
Chief, Branch of ANCSA, Adjudication.

[FR Doc. 82-17888 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

[F-14864-A]

### Alaska Native Claims Selection

On November 14, 1974, Nunapiglluraq Corporation, for the Native village of Hamilton, filed selection application F-14864-A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), as amended, for the surface estate of certain lands in the vicinity of Hamilton, including lands within the Clarence Rhode National Wildlife Range (Public Land Order (PLO) 4584) (34 FR 1143).

On December 2, 1980, Sec. 303(7) of Public Law (Pub. L.) 96-487, Alaska National Interest Lands Conservation Act, established the Yukon Delta National Wildlife Refuge consisting of the Clarence Rhode National Wildlife Range (PLO 4584) and additions thereto.

As to the lands described below, selection application F-14864-A, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of



ANCSA, aggregating approximately 65,081 acres, is considered proper for acquisition by Nunapiglluraq Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

**Lands Within Public Land Order (PLO) 4584, Clarence Rhode National Wildlife Range (Now Known as the Yukon Delta National Wildlife Refuge)**

*Seward Meridian, Alaska (Unsurveyed)*

T. 33 N., R. 77 W.,

Sec. 29;

Secs. 30 and 32, that portion within PLO 4584;

Sec. 33.

Containing approximately 1,867 acres.

T. 32 N., R. 78 W.,

Secs. 3 and 4, that portion within PLO 4584.

Containing approximately 155 acres.

T. 33 N., R. 78 W.,

Secs. 2 and 3;

Sec. 4, excluding Native allotment F-18717 Parcel A;

Secs. 11 and 13;

Sec. 14, excluding Native allotment F-18731 Parcel A;

Sec. 24;

Sec. 25, that portion within PLO 4584;

Sec. 34;

Sec. 35, that portion within PLO 4584.

Containing approximately 3,502 acres.

T. 34 N., R. 78 W.,

Sec. 33.

Containing approximately 378 acres.

T. 32 N., R. 79 W.,

Sec. 3, that portion within PLO 4584.

Containing approximately 40 acres.

Aggregating approximately 5,942 acres within PLO 4584.

**Lands Outside Public Land Order (PLO) 4584, Clarence Rhode National Wildlife Range (Now Known as the Yukon Delta National Wildlife Refuge)**

U.S. Survey No. 2025, of the U.S. School Reserve at Old Fort Hamilton, Territory of Alaska.

Containing 0.89 acres.

*Seward Meridian, Alaska (Unsurveyed)*

T. 31 N., R. 77 W.,

Secs. 29 to 32, inclusive.

Containing approximately 1,992 acres.

T. 33 N., R. 77 W.,

Sec. 30, that portion outside PLO 4584;

Sec. 31, excluding Native allotment F-18640 Parcel A;

Sec. 32, that portion outside PLO 4584, excluding Native allotment F-18640 Parcel A.

Containing approximately 889 acres.

T. 31 N., R. 78 W.,

Secs. 1 to 9, inclusive;

Sec. 10, excluding Native allotment F-18756 Parcel D;

Secs. 11 to 29, inclusive;

Sec. 32, excluding Native allotments F-18325 Parcel A, F-18327 Parcel A, and F-18640 Parcel D;

Sec. 33, excluding Native allotments F-18324 Parcel A, F-18325 Parcel A, F-

18346 Parcel C, F-18615 Parcel C, F-18655 Parcel C, F-18688 Parcel B, and F-18694 Parcel B;

Sec. 34, excluding Native allotment F-18478 Parcel B;

Sec. 35;

Sec. 36, excluding Native allotment F-18719 Parcel A.

Containing approximately 19,802 acres.

T. 32 N., R. 78 W.,

Sec. 1;

Sec. 2, excluding Native allotments F-18583 Parcel A, and F-18638 Parcel B;

Sec. 3, that portion outside PLO 4584, excluding U.S. Survey No. 2025, and Native allotment F-18372 Parcel A;

Sec. 4, that portion outside PLO 4584;

Secs. 5 to 10, inclusive;

Sec. 11, excluding Native allotments F-18332 Parcel B, F-18638 Parcel C, and F-18692 Parcel A;

Secs. 12 and 13;

Sec. 14, excluding Native allotment F-18637 Parcel B;

Secs. 15 to 35, inclusive;

Sec. 36, excluding Native allotment F-17096 Parcel C.

Containing approximately 21,402 acres.

T. 33 N., R. 78 W.,

Secs. 25 and 35, that portion outside PLO 4584;

Sec. 36.

Containing approximately 630 acres.

T. 31 N., R. 79 W.,

Sec. 1, excluding Native allotment F-18583 Parcel B;

Secs. 2 and 3;

Sec. 11, excluding Native allotments F-18585 Parcel B and F-18644 Parcel A;

Secs. 12 and 13.

Containing approximately 2,818 acres.

T. 32 N., R. 79 W.,

Sec. 1;

Sec. 2, excluding Native allotment F-18729 Parcel C;

Sec. 3, that portion outside PLO 4584;

Secs. 9 to 13, inclusive;

Secs. 14 and 15, excluding Native allotment F-18642 Parcel C;

Sec. 16;

Secs. 21 to 28, inclusive;

Secs. 34, 35, and 36.

Containing approximately 11,805 acres.

Aggregating approximately 59,139 acres outside PLO 4584.

Total aggregated acreage approximately 65,081 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce, or are pending a tidal determination at the time of survey. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14864-EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; or lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f));

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)) the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14864-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**Allowable Uses**

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

**One Acre Site**—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV'S, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 3 D9) A one (1) acre site easement upland of the mean high tide line in Sec. 3, T. 32 N., R. 78 W., Seward Meridian, on the right bank of Apoon Pass. The uses allowed are those listed above for a one (1) acre site.



b. (EIN 5 C4, C5) An easement for a proposed trail twenty-five (25) feet in width from Hamilton site easement EIN 3 D9 easterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(g)), that (a) the above described lands which were, on December 18, 1971, within the boundaries of the Clarence Rhode National Wildlife Range (PLO 4584) (now Known as the Yukon Delta National Wildlife Refuge (Public Law 96-487)), remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands, hereinabove granted, as are prescribed in said section.

Nunapiglluraq Corporation is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 65,081 acres. The remaining entitlement of approximately 4,039 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above, including those lands which, on December 18,

1971, were withdrawn by PLO 4584 and which were reserved thereby as a national wildlife refuge, shall be issued to Calista Corporation, when the surface estate is conveyed to Nunapiglluraq Corporation, and shall be subject to the same conditions as the surface conveyance. This conveyance to Calista Corporation will include the subsurface estate of those lands outside of PLO 4584, which were withdrawn, subject to valid existing rights, as the Yukon Delta National Wildlife Refuge by Pub. L. 96-487, on December 2, 1980. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the National Wildlife Refuge System, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region. The total amount of wildlife refuge system lands withdrawn on December 18, 1971 which have been approved for conveyance to Nunapiglluraq Corporation is approximately 5,942 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in *THE TUNDRA DRUMS*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board before June 30, 1982, or to the Interior Board of Land Appeals after June 30, 1982; provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken before June 30, 1982, the notice of appeal must be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

If an appeal is taken after June 30, 1982, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), address given above. Do not send the appeal directly to Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the

appeal must be served upon the Regional Solicitor, address given above.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board or the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Nunapiglluraq Corporation, Hamilton, via Kotlik, Alaska 99620  
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Ann Johnson,  
Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17689 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### [AA-8103-5]

#### Alaska Native Claims Selection

On April 2, 1975, Doyon, Limited, filed selection application AA-8103-5, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), as amended, for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Shageluk. The application excluded a large unnamed lake in T. 28 N., R. 56 W., Seward Meridian, as being navigable. As this is considered nonnavigable and as Sec. 12(c)(3) and 43 CFR 2652.3(c) require the region to select all available lands within the township, the bed of this water body is considered selected.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the

Alaska Native Claims Settlement Act, as amended, and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c) of ANCSA, as amended, aggregating approximately 153,866 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of ANCSA.

**Seward Meridian, Alaska (Unsurveyed)**

- T. 29 N., R. 53 W.,  
Secs. 1 to 36, inclusive.  
Containing approximately 23,006 acres.
- T. 31 N., R. 53 W.,  
Secs. 1 to 36, inclusive.  
Containing approximately 22,872 acres.
- T. 28 N., R. 54 W.,  
Secs. 1 to 36, inclusive.  
Containing approximately 22,809 acres.
- T. 30 N., R. 54 W.,  
Secs. 1 and 2;  
Sec. 3, excluding Native allotment F-16288 Parcel B;  
Secs. 4 to 9, inclusive;  
Sec. 10, excluding Native allotment F-16288 Parcel B;  
Secs. 11 to 36, inclusive.  
Containing approximately 22,539 acres.

**Seward Meridian, Alaska (Surveyed)**

- T. 32 N., R. 54 W.,  
Secs. 5 to 9, inclusive;  
Sec. 16;  
Secs. 17 to 20, inclusive, excluding Native allotment F-13940;  
Secs. 21 and 30.  
Containing approximately 7,313 acres.
- T. 29 N., R. 55 W.,  
Secs. 6, 7, and 18;  
Sec. 19, excluding Native allotment F-14300 Parcel A.  
Containing approximately 2,505 acres.
- T. 31 N., R. 535 W.,  
Secs. 5 to 8, inclusive;  
Sec. 9, excluding U.S. Survey No. 6624 and Native allotment F-14298 Parcel A;  
Secs. 15, 16, and 17;  
Secs. 21 and 22;  
Secs. 30, 31, and 32.  
Containing approximately 7,822 acres.
- T. 28 N., R. 56 W.,  
Sec. 7, excluding U.S. Survey No. 6585 and Native allotment F-13847;  
Sec. 8;  
Sec. 16, excluding Native allotment F-15001 Parcel A;  
Secs. 17 to 20, inclusive;  
Sec. 21, excluding Native allotment F-15001 Parcel A;  
Sec. 22;  
Secs. 27 to 34, inclusive.  
Containing approximately 10,532 acres.
- T. 30 N., R. 56 W.,  
Secs. 1 to 15, inclusive;

- Secs. 16 and 17, excluding Native allotment F-13936;  
Secs. 18 and 19;  
Secs. 28 to 34, inclusive.  
Containing approximately 16,234 acres.  
T. 32 N., R. 56 W.,  
Sec. 2, excluding U.S. Survey No. 6608 and Native allotment F-027929 Parcel A;  
Secs. 3 to 11, inclusive;  
Secs. 14 and 15;  
Sec. 16, excluding U.S. Survey No. 6601 and Native allotment F-14299 Parcel C;  
Sec. 17, excluding U.S. Survey No. 6601 and Native allotment F-14299 Parcel A;  
Sec. 18;  
Sec. 19, excluding Native allotment F-16318 Parcel A;  
Sec. 20;  
Sec. 21, excluding U.S. Survey No. 6604 and Native allotment F-14299 Parcel B;  
Secs. 22 and 23;  
Secs. 26 to 32, inclusive;  
Secs. 34, 35, and 36.  
Containing approximately 18,234 acres.  
Aggregating approximately 153,866 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file AA-16630-5. All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded because they are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), as amended, the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-16630-5, are reserved to the United States. All easements are

subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 3 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Anvik to Shageluk and on east to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 8 D1) an easement for an existing access trail twenty-five (25) feet in width from Grayling southeasterly toward Shageluk. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

c. (EIN 18 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 30 N., R. 53 W., Seward Meridian, southwesterly to Sec. 1, T. 29 N., R. 54 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

d. (EIN 19 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 30 N., R. 57 W., Seward Meridian, southeasterly to Sec. 6, T. 29 N., R. 56 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

e. (EIN 20 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 31 N., R. 54 W., Seward Meridian, southeasterly to Sec. 6, T. 30 N., R. 53 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

f. (EIN 22 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 32 N., R. 55 W., Seward Meridian, southwesterly to Sec. 1, T. 31 N., R. 56 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat, or

supplemental plat, of survey confirming the boundary description and acreage of the lands hereinabove granted; and

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date, approximately 3,255,516 acres of land, selected pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, have been approved for conveyance to Doyon, Limited.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *TUNDRA TIMES*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal board before June 30, 1982, or to the Interior Board of Land Appeals after June 30, 1982; provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken before June 30, 1982, the notice of appeal must be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

If an appeal is taken after June 30, 1982, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), address given above. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, address given above.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board or the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

**Ann Johnson,**  
*Chief, Branch of ANCSA Adjudication.*

[FR Doc. 82-17690 Filed 6-30-82; 8:45 am]

**BILLING CODE 4310-04M**

#### [F-19155-21]

#### **Alaska Native Claims Selection**

On April 2, 1975, Doyon, Limited, filed selection application F-19155-21, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611(c)) (1976) (ANCSA), as amended, for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Minto.

As to the lands described below, selection application F-19155-21, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c) of ANCSA, aggregating approximately 45,833 acres, are considered proper for acquisition by

Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of ANCSA:

#### **Fairbanks Meridian, Alaska (Unsurveyed)**

T. 6 N., R. 8 W.,

Secs. 1 to 36, inclusive.

Containing approximately 22,926 acres.

T. 6 N., R. 10 W.,

Sec. 1, excluding Mineral Survey No. 2313;

Secs. 2 to 36, inclusive,

Containing approximately 22,907 acres.

Aggregating approximately 45,833 acres.

There are no inland water bodies considered to be navigable within the above-described lands.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reason: Lands are under applications pending further adjudication. Lands within Mineral Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), as amended, the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in easement case file F-21779-21, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**50 Foot Trail**—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

**60 Foot Road**—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

**One Acre Site**—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading.

Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 21 D1, L) An easement sixty (60) feet in width for an existing road from the Elliott Highway beginning in Sec. 6, T. 5 N., R. 8 W., Fairbanks Meridian, northerly, then westerly to public land and resources. The uses allowed are those listed for a sixty (60) foot wide road easement.

b. (EIN 21 D1, L) An easement fifty (50) feet in width for an existing access trail for road easement EIN 21 D1, L in Sec. 6, T. 6 N., R. 8 W., Fairbanks Meridian, northeasterly to public land and resources. The uses allowed are those listed for a fifty (50) foot wide trail easement.

c. (EIN 21c D1, L) An easement fifty (50) feet in width for an existing access trail from road easement EIN 21 D1, L in Sec. 14, T. 6 N., R. 10 W., Fairbanks Meridian, westerly to public land and resources. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 21d C4) A one (1) acre site easement adjacent to road easement EIN 21 D1, L in Sec. 6, T. 6 N., R. 8 W., Fairbanks Meridian. The uses allowed are those listed for a one (1) acre site.

e. (EIN 21e C4) A one (1) acre site easement adjacent to road easement EIN 21 D1, L in Sec. 14, T. 6 N., R. 10 W., Fairbanks Meridian. The uses allowed are those listed for a one (1) acre site.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Any right-of-way interest in the Elliott Highway (FAS Route No. 680) transferred to the State of Alaska by the Quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat.

141) as to: Secs. 25, and 32 to 36 inclusive, T. 6 N., R. 8 W., Fairbanks Meridian; and

4. The following rights-of-way for Federal Aid Material sites. (Section 17 of the Federal Aid Highway Act of November 9, 1921 (23 U.S.C. 18), as amended);

Fairbanks Meridian, Alaska

F-025510 S½

Sec. 35, T. 6 N., R. 8 W.

F-025512 S½

Sec. 32, T. 6 N., R. 8 W.

F-025513 S½

Sec. 32, T. 6 N., R. 8 W.

To date, approximately 3,301,349 acres of land, selected pursuant to Sec. 12(c) of ANCSA, have been approved for conveyance to Doyon, Limited.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *FAIRBANKS DAILY NEWS-MINER*.

Any party claiming a property interest in lands affected by this decision, and agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of Federal Regulations* (CFR), Part 4, Subpart E as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an

appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. (See enclosed DOI Form 1842-1.)

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Doyon, Limited, Land Department,  
Doyon Building, 201 First Avenue,  
Fairbanks, Alaska 99701

State of Alaska, Department of Natural Resources, Division of Technical Services, Pouch 7-005, Anchorage, Alaska 99510

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17891 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### [F-14951-A]

#### Alaska Native Claims Selection

On November 22, 1974, Tununrmiut Rinit Corp., for the Native village of Tununak, filed selection application F-14951-A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)), as amended, for the surface estate of certain lands in the vicinity of Tununak, including lands within the Clarence Rhode National Wildlife Range (Public Land Order (PLO) 4584), 34 FR 1143, and the Hazen Bay National Wildlife Refuge (Executive Order (EO) 7770).

On December 2, 1980, Sec. 303(7) of Public Law (Pub. L.) 96-487, Alaska National Interest Lands Conservation Act, established the Yukon Delta National Wildlife Refuge, consisting of the existing Clarence Rhode National Wildlife Range (PLO 4584) and the Hazen Bay National Wildlife Refuge (EO 7770) and additions thereto.

As to the lands described below, the application, as amended, submitted by Tununrmiut Rinit Corp., is properly filed and meets the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 105,072 acres, is considered proper for acquisition by Tununrmiut Rinit Corp. and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

**Lands Within Public Land Order 4584  
(Clarence Rhode National Wildlife Range)  
and Executive Order 7770 (Hazen Bay  
National Wildlife Refuge), Now Known as the  
Yukon Delta National Wildlife Refuge**

*Seward Meridian, Alaska (Unsurveyed)*

**T. 5 N., R. 89 W.**

Secs. 29 and 30;  
Sec. 31, excluding Native allotment F-15801  
Parcel B.  
Containing approximately 1,781 acres.

**T. 8 N., R. 89 W.**

Secs. 1 to 26, inclusive;  
Sec. 27, excluding Native allotment F-17970  
Parcel B;  
Secs. 28, 29, and 30;  
Sec. 31, excluding Native allotment F-18186  
Parcel A;  
Sec. 32, excluding Native allotments F-  
17970 Parcel A and F-18124 Parcel A;  
Secs. 33 to 36, inclusive.  
Containing approximately 20,238 acres.

**T. 4 N., R. 90 W.**

Sec. 1;  
Sec. 2, excluding Native allotment F-16819  
Parcel A;  
Secs. 3 to 9, inclusive;  
Sec. 10, excluding Native allotments F-  
16897, F-16899, F-18128 Parcel C, and F-  
19266;  
Sec. 11, excluding Native allotments F-  
16819 Parcel A and F-17968 Parcel A;  
Secs. 12 and 13;  
Sec. 14, excluding Native allotments F-  
15802 Parcel B, F-15903 Parcel A, and F-  
16821 Parcel B;  
Sec. 15, excluding Native allotments F-  
15804 and F-19139 Parcel B;  
Sec. 16, excluding Native allotment F-  
15804;  
Secs. 17 to 20, inclusive;  
Sec. 21, excluding Native allotment F-15800  
Parcel B;  
Sec. 22, excluding Native allotments F-  
15800 Parcel B and F-17850 Parcel B;  
Secs. 23 and 24;  
Sec. 25, excluding Native allotment F-18187  
Parcel C;  
Sec. 26;  
Sec. 27, excluding Native allotment F-16122  
Parcel B;  
Secs. 28 to 34, inclusive;  
Sec. 35, excluding Native allotment F-17698  
Parcel B;  
Sec. 36.  
Containing approximately 21,388 acres.

**T. 8 N., R. 90 W.**

Sec. 1;  
Sec. 2 (fractional);  
Sec. 13, excluding Native allotment F-18126  
Parcel B;  
Sec. 14;  
Secs. 15 and 22 (fractional);  
Sec. 23;  
Sec. 24, excluding Native allotment F-18125  
Parcel A;  
Sec. 25;  
Secs. 26, 35, and 36 (fractional).  
Containing approximately 4,205 acres.

**T. 4 N., R. 91 W.**

Sec. 1;  
Secs. 2 and 3 (fractional);  
Secs. 7 to 10 (fractional), inclusive;

Secs. 11 to 17, inclusive;  
Secs. 18, 19, and 20 (fractional);  
Secs. 21 to 27, inclusive;  
Secs. 28 and 29 (fractional);  
Secs. 3 and 34 (fractional);  
Secs. 35 and 36.  
Containing approximately 14,815 acres.  
Aggregating approximately 62,427 acres.

**Lands Outside Public Land Order 4584  
(Clarence Rhode National Wildlife Range)  
and Executive Order 7770 (Hazen Bay  
National Wildlife Refuge), Now Known as the  
Yukon Delta National Wildlife Refuge**

Lot 1 of U.S. Survey No. 4054, Alaska,  
situated in the village of Tununak located  
in Hazen Bay on Nelson Island  
Containing 9.35 acres.

*Seward Meridian, Alaska (Unsurveyed)*

**T. 9 N., R. 82 W.**

Secs. 2 and 3;  
Secs. 8 to 18, inclusive;  
Sec. 19 (fractional);  
Secs. 20 to 24, inclusive;  
Secs. 25 to 30 (fractional), inclusive.  
Containing approximately 9,334 acres.

**T. 7 N., R. 89 W.**

Secs. 3 and 4;  
Sec. 5, excluding Native allotments F-18121  
Parcel A, F-18124 Parcel A, and F-19267  
Parcel B;  
Secs. 6 and 7 (fractional);  
Secs. 8, 9, and 10;  
Secs. 15 to 22 inclusive;  
Sec. 30.  
Containing approximately 10,132 acres.

**T. 6 N., R. 90 W.**

Secs. 3, 4, and 5;  
Sec. 6 (fractional);  
Secs. 7, 8, and 9;  
Sec. 18.  
Containing approximately 5,056 acres.

**T. 7 N., R. 90 W.**

Secs. 12, 13, and 14 (fractional);  
Secs. 21, 22, and 23 (fractional);  
Secs. 24 to 27, inclusive;  
Secs. 28, 29, 31, and 32 (fractional);  
Secs. 33, 34, and 35.  
Containing approximately 7,725 acres.

**T. 6 N., R. 91 W.**

Secs. 1, 11, and 12 (fractional);  
Sec. 13;  
Secs. 14, 15, and 16 (fractional);  
Sec. 21 (fractional), excluding U.S. Survey  
No. 4028 and U.S. Survey No. 4054;  
Sec. 22, excluding U.S. Survey No. 4028;  
Secs. 23 to 26, inclusive;  
Sec. 27, excluding U.S. Survey No. 4028;  
Sec. 28 (fractional), excluding U.S. Survey  
No. 877, U.S. Survey No. 4054, U.S.  
Survey No. 4028, and permit No. M-75-  
YD (formerly AA-14024, under the  
provisions of Sec. 23 of the Airport and  
Airway Development Act of 1970);  
Sec. 29 (fractional), excluding Native  
allotment F-17845;  
Sec. 30 (fractional);  
Sec. 31;  
Sec. 32, excluding Native allotment F-  
17845;  
Secs. 33 to 36, inclusive.  
Containing approximately 10,389 acres.  
Aggregating approximately 42,645 acres.

Total aggregated acreage approximately  
105,072 acres.

Excluded from the above-described  
lands herein approved for conveyance  
are the submerged lands up to the  
ordinary high water mark, beneath all  
water bodies determined by the Bureau  
of Land Management to be navigable  
because they have been or could be  
used in connection with travel, trade  
and commerce, or are pending a tidal  
determination at the time of survey.  
Those water bodies are identified on the  
attached navigability maps, the original  
of which will be found in easement case  
file F-14951-EE.

All other water bodies not depicted as  
navigable on the attached maps within  
the lands to be conveyed were  
reviewed. Based on existing evidence,  
they were determined to be  
nonnavigable.

The lands excluded in the above  
description are not being approved for  
conveyance at this time and have been  
excluded for one or more of the  
following reasons: Lands are no longer  
under Federal jurisdiction or lands are  
under applications pending further  
adjudication. Lands within U.S. Surveys  
which are excluded are described  
separately in this decision if they are  
available for conveyance. These  
exclusions *do not* constitute a rejection  
of the selection.

The conveyance issued for the surface  
estate of the lands described above  
shall contain the following reservations  
to the United States:

1. The subsurface estate therein, and  
all rights, privileges, immunities, and  
appurtenances, of whatsoever nature,  
accruing unto said estate pursuant to the  
Alaska Native Claims Settlement Act of  
December 18, 1971 (43 U.S.C. 1601,  
1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska  
Native Claims Settlement Act of  
December 18, 1971 (43 U.S.C. 1601,  
1616(b)), the following public easement,  
referenced by easement identification  
number (EIN) on the the easement maps  
attached to this document, copies of  
which will be found in case file F-14951-  
EE, is reserved to the United States. This  
easement is subject to applicable  
Federal, State, or Municipal corporation  
regulation. The following is a listing of  
uses allowed for this type of easement.  
Any uses which are not specifically  
listed are prohibited.

**25 Foot Trail**—The uses allowed on a  
twenty-five (25) foot wide trail easement  
are: travel by foot, dogsled, animals,  
snowmobiles, two- and three-wheel  
vehicles, and small all-terrain vehicles  
(ATV's) (less than 3,000 lbs. Gross  
Vehicle Weight (GVW)).

(EIN 2 D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Tununak in Sec. 28, T. 6 N., R. 91 W., Seward Meridian, southeasterly to Toksook Bay. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act December 18, 1971 (43 U.S.C. 1601, 1621(g)), that (a) the above-described lands which were, on December 18, 1971, within the boundaries of the Clarence Rhode National Wildlife Range (PLO 4584) and the Hazen Bay National Wildlife Refuge (EO 7770) now known as the Yukon Delta National Wildlife Refuge (Pub. L. 96-487) remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;

4. The following third-party interest, if valid, created and identified by the U.S. Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

Permit No. M-96-YD, (formerly AA-13347, under the provisions of the Public Airport Act of May 24, 1928), issued to the State of Alaska, Department of Transportation and Public Facilities for a twenty (20) year airport lease at Tununak, located in Sec. 28, T. 6 N., R. 91 W., Seward Meridian, Alaska; and

5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder

convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Tununrmiut Rinit Corp. is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 105,072 acres. The remaining entitlement of approximately 10,128 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above, excluding those lands which, on December 18, 1971, were withdrawn by PLO 4584 and EO 7770, and which are reserved thereby as a national wildlife refuge, shall be issued to Calista Corporation when the surface estate is conveyed to Tununrmiut Rinit Corp., and shall be subject to the same conditions as the surface conveyance. This conveyance to Calista Corporation will include the subsurface estate of those lands outside of PLO 4584 and EO 7770, which were withdrawn, subject to valid existing rights, as the Yukon Delta National Wildlife Refuge by Pub. L. 96-487, on December 2, 1980. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the National Wildlife Refuge System, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region. The total amount of wildlife refuge system lands withdrawn prior to December 18, 1971, which have been approved for conveyance to Tununrmiut Rinit Corp. is approximately 62,427 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *Tundra Drums*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of Federal Regulations* (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of

Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. (See enclosed DOI Form 1842-1.)

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Tununrmiut Rinit Corp., Tununak, Alaska 99681

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Ann Johnson,  
Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17892 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### [F-14904-A]

#### Alaska Native Claims Selection

On November 22, 1974, Newtok Corporation, Inc., for the Native village of Newtok, filed selection application F-14904-A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)), as amended, for the surface estate of certain lands in the vicinity of Newtok, including lands within the Clarence Rhode National Wildlife Range (Public Land Order (PLO) 4584), 34 FR 1143.

On December 2, 1980, Sec. 303(7) of Public Law (Pub. L.) 96-487, the Alaska National Interest Lands Conservation Act, established the Yukon Delta National Wildlife Refuge, consisting of



the existing Clarence Rhode National Wildlife Range (PLO 4584), and additions thereto.

As to the lands described below, the application submitted by Newtok Corporation, Inc., is properly filed and meets the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 82,746 acres, is considered proper for acquisition by Newtok Corporation, Inc., and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

**Lands Within Public Land Order 4584 (Clarence Rhode National Wildlife Range), Now Known as the Yukon Delta National Wildlife Refuge**

Lot 3 of U.S. Survey No. 4042, Alaska, situated near the Bering Sea in the village of Newtok.  
Containing 0.16 acre.

**Seward Meridian, Alaska (Unsurveyed)**

**T. 10 N., R. 82 W.**

Sec. 4, that portion within PLO 4584;  
Secs. 9 and 10, those portions within PLO 4584;  
Sec. 23, that portion within PLO 4584.  
Containing approximately 873 acres.

**T. 10 N., R. 85 W.**

Secs. 5, 8, 9, and 10;  
Secs. 13, 14, and 15.  
Containing approximately 4,480 acres.

**T. 11 N., R. 85 W.**

Secs. 19, 20, 29, and 32.  
Containing approximately 2,535 acres.

**T. 12 N., R. 85 W.**

Sec. 7.  
Containing approximately 610 acres.

**T. 11 N., R. 86 W.**

Secs. 3 and 10;  
Secs. 14 to 20, inclusive;  
Secs. 23 and 24;  
Secs. 29 and 30;  
Sec. 31, excluding Native allotment F-18307 Parcel B.  
Containing approximately 8,783 acres.

**T. 12 N., R. 86 W.**

Secs. 10, 11, and 12;  
Secs. 15, 22, 27 and 34.  
Containing approximately 4,480 acres.

**T. 10 N., R. 87 W.**

Secs. 1 to 23, inclusive;  
Sec. 24, excluding U.S. Survey No. 4042 and Native allotment F-17968 Parcel B;  
Secs. 25;  
Sec. 26, Excluding Native allotment F-18127 Parcel C;  
Secs. 27 to 36, inclusive.  
Containing approximately 20,601 acres.

**T. 11 N., R. 87 W.**

Secs. 7 to 10, inclusive;

Secs. 13, 14, and 15;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.  
Containing approximately 9,846 acres.

**T. 11 N., R. 88 W.**

Secs. 5 and 6;  
Secs. 8 to 12, inclusive.  
Containing approximately 3,920 acres.

**T. 11 N., R. 89 W.**

Secs. 1 to 4, inclusive;  
Secs. 10 and 11.  
Containing approximately 3,295 acres.

**T. 12 N., R. 89 W.**

Secs. 26, 27, and 28;  
Secs. 32 to 35, inclusive.  
Containing approximately 3,850 acres.  
Aggregating approximately 63,284 acres.

**Lands Outside Public Land Order 4584 (Clarence Rhode National Wildlife Range), Now Known as the Yukon Delta National Wildlife Refuge**

**Seward Meridian, Aoaska (Unsurveyed)**

**T. 10 N., R. 81 W.**

Secs. 7 and 8;  
Secs. 17 to 20, inclusive;  
Secs. 29 and 30.  
Containing approximately 4,968 acres.

**T. 10 N., R. 82 W.**

Secs. 1 and 2;  
Sec. 3, excluding Native allotments F-14254 Parcel A and F-030476;  
Sec. 4, that portion outside PLO 4584, excluding Native allotment F-030476;  
Secs. 9 and 10, those portions outside PLO 4584, excluding Native allotments F-030476 and F-0298675;  
Secs. 11, 12, and 13;  
Secs. 24, 25, and 26.  
Containing approximately 5,392 acres.

**T. 8 N., R. 86 W.**

Secs. 19 and 30.  
Containing approximately 1,212 acres.

**T. 8 N., R. 87 W.**

Sec. 5, excluding Native allotment F-16745;  
Secs. 6, 8, 9, and 13;  
Sec. 14, excluding Native allotment F-17824 Parcel A;  
Secs. 15 and 16;  
Secs. 22 to 26, inclusive.  
Containing approximately 7,910 acres.  
Aggregating approximately 19,482 acres.  
Total aggregated acreage approximately 82,746 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce, or are pending a tidal determination at the time of survey. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14904-EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on available evidence,

they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction or lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, a copy of which will be found in case file F-14904-EE, is reserved to the United States. This easement is subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for this type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 7 E) An easement for a proposed access trail twenty-five (25) feet in width from the southern end of the Newtok airstrip in Sec. 24, T. 10 N., R. 87 W., Seward Meridian, easterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those



created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(g)), that (a) the above-described lands which were, on December 18, 1971, within the boundaries of the Clarence Rhode National Wildlife Range (PLO 4584), now known as the Yukon Delta National Wildlife Refuge (Pub. L. 96-487), remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Newtok Corporation, Inc., is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 82,746 acres. The remaining entitlement of approximately 9,414 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA conveyance of the subsurface estate of the lands described above, excluding those lands which, on December 18, 1971, were withdrawn by PLO 4584, and which are reserved thereby as a national wildlife refuge shall be issued to Calista Corporation, when the surface estate is conveyed to Newtok Corporation, Inc., and shall be subject to that same conditions as the surface conveyance. This conveyance to Calista Corporation will include the subsurface estate of those lands outside of PLO 4584, which were withdrawn, subject to valid existing rights, as the Yukon Delta National Wildlife Refuge by Pub. L. 96-487, on December 2, 1980. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface

estate of lands within the National Wildlife Refuge System, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region. The total amount of wildlife refuge system lands withdrawn prior to December 18, 1971, which have been approved for conveyance to Newtok Corporation, Inc., is approximately 63,264 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

In accordance with Departmental regulations 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Tundra Drums.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of Federal Regulations* (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such

appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Newtok Corporation, Inc., Newtok, Alaska 99559

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Ann Johnson,  
Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17893 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

[F-19155-4]

### Alaska Native Claims Selection

On April 2, 1975, Doyon, Limited, filed selection application F-19155-4, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), as amended, for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Fort Yukon. The application excluded several water bodies as being navigable. As these are considered nonnavigable and as Sec. 12(c)(3) and 43 CFR 2652.3(c) require the region to select all available lands within the township, the beds of these water bodies are considered selected.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c) of ANCSA, aggregating approximately 241,676 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of ANCSA.

*Fairbanks Meridian, Alaska (Unsurveyed)*

T. 19 N., R. 9 E.,  
Secs. 1 to 36, inclusive.

Containing approximately 22,843 acres.

T. 21 N., R. 9 E.,  
Sec. 1, excluding Native allotment F-13533;  
Sec. 2, excluding U.S. Survey No. 5220 and Native allotment F-13533;  
Secs. 3, 4, and 5, excluding U.S. Survey No. 5220;

Secs. 7 and 8, excluding U.S. Survey No. 5220;  
 Sec. 9, excluding U.S. Survey No. 5220 and Native allotment F-16260 Parcel A;  
 Sec. 10;  
 Secs. 11 and 12, excluding Native allotment F-13533;  
 Sec. 13;  
 Sec. 14, excluding Native allotment F-13841;  
 Sec. 15;  
 Sec. 16, excluding U.S. Survey No. 5220 and Native allotment F-16262 Parcel B;  
 Secs. 17 and 20, excluding U.S. Survey No. 5220;  
 Sec. 21, excluding U.S. Survey No. 5220 and Native allotment F-16262 Parcel A;  
 Sec. 22;  
 Sec. 23, excluding Native allotment F-13841;  
 Sec. 24, excluding Native allotment F-13449;  
 Sec. 25, excluding Native allotment F-14722;  
 Secs. 26 and 27;  
 Secs. 28, 31, 32, and 33, excluding U.S. Survey No. 5220;  
 Secs. 34, 35, and 36.  
 Containing approximately 12,915 acres.

T. 20 N., R. 10 E.,  
 Secs. 1 and 2, exclusive Native allotment F-14776 Parcel D;  
 Secs. 3 to 16, inclusive;  
 Sec. 17, excluding Native allotments F-13402 Parcel B and F-14788;  
 Secs. 18, 19, and 20, excluding Native allotment F-14788;  
 Secs. 21 to 36, inclusive.  
 Containing approximately 18,293 acres.

T. 22 N., R. 10 E.,  
 Secs. 1, 2, and 3, excluding U.S. Survey No. 5220;  
 Secs. 9 and 10, excluding U.S. Survey No. 5220;  
 Secs. 11 to 15, inclusive;  
 Secs. 16, 17, 20, and 21, excluding U.S. Survey No. 5220;  
 Secs. 22 to 27, inclusive;  
 Sec. 28, excluding U.S. Survey No. 5220 and Native allotment F-13717;  
 Secs. 29, 30, 31, and 32, excluding U.S. Survey No. 5220;  
 Secs. 33 to 36, inclusive.  
 Containing approximately 14,247 acres.

T. 19 N., R. 11 E.,  
 Secs. 1 to 36, inclusive.  
 Containing approximately 22,827 acres.

T. 21 N., R. 11 E.,  
 Secs. 1 to 12, inclusive;  
 Sec. 13, excluding Native allotment F-13538;  
 Sec. 14, excluding Native allotments F-13538, F-16254, and F-13408;  
 Secs. 15 to 20, inclusive;  
 Sec. 21, excluding Native allotments F-14046 Parcel A and F-010702 Parcel B;  
 Sec. 22, excluding Native allotment F-13253;  
 Sec. 23, excluding Native allotments F-13408, F-13538, and F-14509;  
 Sec. 24, excluding Native allotments F-13538, F-14509, and F-16251;  
 Sec. 25, excluding Native allotments F-14508, F-14509, F-16251, F-13718 Parcel A, F-16290, F-13838, and F-14028;

Sec. 26, excluding Native allotments F-13447, F-13838, F-14283, F-14437 Parcels A and B, F-14441, F-14508, and F-14509;  
 Sec. 27, excluding Native allotments F-13587 Parcel B and F-13262;  
 Sec. 28, excluding Native allotments F-16250 and F-13587 Parcel B;  
 Secs. 29 to 33, inclusive;  
 Sec. 34, excluding Native allotment F-13254;  
 Sec. 35, excluding Native allotments F-13838, F-13254, F-14035 Parcel A, F-14283, F-14437 Parcel A, and F-13447;  
 Sec. 36, excluding Native allotments F-13838, F-14028, F-13541, F-13718 Parcel A, and F-14508.  
 Containing approximately 18,511 acres.

T. 18 N., R. 12 E.,  
 Sec. 1, excluding Native allotments F-13701 Parcel B and F-13702;  
 Sec. 2, excluding Native allotment F-13702;  
 Secs. 3 to 16, inclusive;  
 Sec. 17, excluding Native allotment F-15560 Parcel A;  
 Secs. 18 to 36, inclusive.  
 Containing approximately 22,767 acres.

T. 22 N., R. 12 E.,  
 Secs. 1 to 36, inclusive.  
 Containing approximately 22,919 acres.

T. 19 N., R. 13 E.,  
 Secs. 1 to 12, inclusive;  
 Sec. 13, excluding Native allotment F-14720;  
 Secs. 14 to 23, inclusive;  
 Sec. 24, excluding Native allotment F-14720;  
 Secs. 25 to 36, inclusive.  
 Containing approximately 20,722 acres.

T. 21 N., R. 13 E.,  
 Secs. 1 to 20, inclusive;  
 Sec. 21, excluding Native allotment F-14772 Parcel A;  
 Sec. 22;  
 Sec. 23, excluding Native allotment F-13351;  
 Sec. 24;  
 Sec. 25, excluding Native allotments F-13260 Parcel B and F-14230 Parcel B;  
 Sec. 26, excluding Native allotments F-13718 Parcel B and F-13351;  
 Secs. 27 to 31, inclusive;  
 Sec. 32, excluding Native allotment F-025740;  
 Secs. 33 and 34;  
 Sec. 35, excluding Native allotment F-13718 Parcel B;  
 Sec. 36, excluding Native allotment F-14230 Parcel B.  
 Containing approximately 20,682 acres.

T. 18 N., R. 14 E.,  
 Secs. 1 to 17, inclusive;  
 Secs. 18 and 19, excluding Native allotment F-14713 Parcel A;  
 Secs. 20 to 28, inclusive;  
 Sec. 29, excluding Native allotment F-14713 Parcel B;  
 Secs. 30 and 31;  
 Sec. 32, excluding Native allotment F-14713 Parcel B;  
 Secs. 33 to 36, inclusive.  
 Containing approximately 22,187 acres.

T. 20 N., R. 14 E.,  
 Secs. 1 to 36, inclusive.  
 Containing approximately 22,763 acres.

Aggregating approximately 241,676 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-21779-4.

All other named and unnamed water bodies within the above-described lands were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one of the following reasons: Lands are no longer under Federal jurisdiction; or lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), as amended, the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-21779-4, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 1 C3, C5, D4, D9) An easement for an existing access trail twenty-five (25) feet in width from Fort Yukon in Sec. 7, T. 20 N., R. 12 E., Fairbanks Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 2 C3, C5, D1) An easement for an existing access trail twenty-five (25) feet in width from Fort Yukon in Sec. 18, T. 20 N., R. 12 E., Fairbanks Meridian, southeasterly to public lands and the village of Circle. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 3 C3, C5, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from trail EIN 2 C3, C5, D1 in Sec. 29, T. 20 N., R. 12 E., Fairbanks Meridian, southwesterly to public land and the village of Birch Creek. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 7 C5, D1) An easement for an existing access trail twenty-five (25) feet in width from trail easement EIN 1 C3, C5, D4, D9 in Sec. 7, T. 20 N., R. 12 E., Fairbanks Meridian, westerly to Venetie Landing and public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 9 C5, L) An easement for an existing access trail twenty-five (25) feet in width from the east terminus of road easement EIN 5a C3, C5, D1 in Secs. 2 and 11, T. 20 N., R. 12 E., Fairbanks Meridian, northeasterly to public lands and the village of Chalkyitsik. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 25 C4) An easement for a proposed access trail twenty-five (25) feet in width from public lands in Sec. 1, T. 18 N., R. 9 E., Fairbanks Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

g. (EIN 26a C4) An easement for a proposed access trail twenty-five (25) feet in width from the east terminus of road easement EIN 5a C3, C5, D1 in Secs. 2 and 11, T. 20 N., R. 12 E., Fairbanks Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

h. (EIN 27a C4) An easement for a proposed access trail twenty-five (25) feet in width from the Yukon River in Sec. 12, T. 18 N., R. 13 E., Fairbanks Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. The following third-party interests, if valid, identified by U.S. Department of the Interior, Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

(a) Special use permit, YF-4-82, issued to Bureau of Land Management, Division of Cadastral Survey to authorize the use of helicopter support and landing for cadastral survey of Native allotments within the Yukon Flats National Wildlife Refuge, as to all lands herein approved for conveyance.

(b) Special use permit, YF-12-82, issued to Tanana Chiefs Conference, Inc., to conduct timber inventory in T. 20 N., R. 10 E., Fairbanks Meridian.

To date, approximately 3,543,025 acres of land, selected pursuant to Sec. 12(c) of ANCSA, have been approved for conveyance to Doyon, Limited.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *TUNDRA TIMES*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of Federal Regulations* (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board

of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

Ann Johnson,  
Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17894 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### (F-14920-A)

#### Alaska Native Claims Selection

On November 13, 1974, Arviq Incorporated, for the Native village of Platinum, filed selection application F-14920-A, as amended, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)), as amended, for the surface estate of certain lands in the vicinity of Platinum, including lands within the Cape Newenham National Wildlife Refuge (Public Land Order (PLO) 4583) 34 FR 1143.

On December 2, 1980, Sec. 303(6), Public Law (Pub. L.) 96-487, Alaska National Interest Lands Conservation Act, established the Togiak National Wildlife Refuge, consisting of the existing Cape Newenham National Wildlife Refuge (PLO 4583), and additions thereto.

Arviq Incorporated, in its November 13, 1974 application, excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of ANCSA. Section 12(a) and 43 CFR 2651.4(b) and (c) provide that a village corporation shall, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. For these reasons, the water bodies which were improperly excluded in the November 13, 1974 application are considered selected by Arviq Incorporated.

Section 6, T. 11 S., R. 75 W., Seward Meridian, was not included in the written description of the original application, but is shown on the map as selected. Departmental regulation 43 CFR 2650.2(e)(5) provides that when, "the written description shown on the application and the map portrayal accompanying the application do not agree the delineation shown on the map shall be controlling." Therefore, Sec. 6 has been included in the decision to issue conveyance.

As to the lands described below, the application, as amended, submitted by Arviq Incorporated, is properly filed and meets the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 60,867 acres, is considered proper for acquisition by Arviq Incorporated, and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

**Lands Within Public Land Order 4583 (Cape Newenham National Wildlife Refuge), Now Known as the Togiak National Wildlife Refuge**

*Seward Meridian, Alaska (Unsurveyed)*

- T. 13 S., R. 74 W.  
 Sec. 22;  
 Secs. 23 and 24, excluding Native allotment F-16654;  
 Secs. 25, 26, and 27;  
 Secs. 34, 35, and 36.  
 Containing approximately 5,650 acres.
- T. 14 S., R. 74 W.  
 Secs. 1, 2, and 3.  
 Containing approximately 1,920 acres.  
 Aggregating approximately 7,570 acres.

**Lands Outside Public Land Order 4583 (Cape Newenham National Wildlife Refuge), Now Known as the Togiak National Wildlife Refuge**

- U.S. Survey No. 2493, Alaska, on north end of spit between Goodnews and Kuskokwim Bays, north of and adjoining a portion of U.S. Survey No. 2374.  
 Containing 10.88 acres.
- U.S. Survey No. 2494, Alaska, on west shore of Goodnews Bay, north of and adjoining U.S. Survey No. 2373.  
 Containing 8.49 acres.  
 Aggregating 19.37 acres.

*Seward Meridian, Alaska (Unsurveyed)*

- T. 13 S., R. 73 W.  
 Sec. 6, excluding Native allotment F-13656.  
 Containing approximately 563 acres.
- T. 13 S., R. 74 W.  
 Sec. 1, excluding Native allotment F-13656;  
 Sec. 2;  
 Secs. 3 and 9 (fractional);  
 Sec. 10 (fractional), excluding Native allotment F-13657 and Native allotment in litigation AA-37801 Parcel 2;  
 Secs. 11, 12, and 13;  
 Sec. 14, excluding Native allotment F-16654;  
 Sec. 15;  
 Sec. 16 (fractional), excluding Native allotment F-13775 Parcel A;  
 Sec. 17 (fractional), excluding Native allotments F-13775 Parcel A and F-16175;  
 Sec. 18 (fractional), excluding Native allotment F-16175;  
 Sec. 19 (fractional);  
 Sec. 20, excluding Native allotment F-16175;  
 Sec. 21;  
 Secs. 28 to 33, inclusive.  
 Containing approximately 11,166 acres.
- T. 14 S., R. 74 W.  
 Secs. 4, 5, and 6;  
 Secs. 8 and 9.  
 Containing approximately 3,172 acres.
- T. 11 S., R. 75 W.  
 Secs. 1 to 4, inclusive;  
 Secs. 5 and 6 (fractional);  
 Sec. 7 (fractional), excluding Native allotment F-17421 Parcel D and Native allotment in litigation AA-37803 Parcel 1;  
 Secs. 8 to 36, inclusive.  
 Containing approximately 21,942 acres.
- T. 12 S., R. 75 W.  
 Secs. 1 to 5, inclusive;  
 Sec. 6 (fractional);  
 Sec. 7 (fractional), excluding Native allotment F-13758 Parcel C and Native allotment in litigation AA-37802 Parcel 2;  
 Sec. 8, excluding Native allotment in litigation AA-37802 Parcel 2;  
 Sec. 9 to 14, inclusive;  
 Sec. 16;  
 Sec. 17 (fractional), excluding Native allotment F-18206 Parcel C;  
 Sec. 18 (fractional);  
 Sec. 20 (fractional), excluding Native allotment F-17401;  
 Sec. 21;  
 Sec. 23, excluding Native allotments F-17422 Parcel C, F-13658 Parcel B, and F-16176;

Sec. 24, excluding Native allotments F-16176, F-16204 Parcel B, and F-13767 Parcel A;

Sec. 25 (fractional), excluding Native allotments F-16204 Parcel B, F-16176, and F-16178;

Sec. 26 (fractional), excluding Native allotments F-16176, F-18579 Parcel C, and F-16178;

Sec. 27;

Secs. 28 and 29 (fractional), excluding Native allotments F-17421 Parcel B and F-17401;

Sec. 33 (fractional);

Sec. 34 (fractional), excluding Native allotment F-13334;

Sec. 35 (fractional), excluding Native allotment F-16203 Parcel B.

Containing approximately 10,199 acres.

T. 13 S., R. 75 W.

Sec. 7 (fractional), excluding Native allotments F-13773 and F-13335;

Sec. 8 (fractional), excluding Native allotment F-13335;

Sec. 17 (fractional), excluding Native allotment F-15624 Parcel A, U.S. Survey No. 2374, U.S. Survey No. 2484, and U.S. Survey No. 2493;

Sec. 20 (fractional), excluding Native allotment F-15624 Parcel A and U.S. Survey No. 2483;

Sec. 24 (fractional), excluding Native allotments F-15671, F-18205 Parcel B, and F-13759 Parcel B;

Sec. 25, excluding Native allotment F-15671;

Sec. 26 (fractional), excluding Native allotments F-15671 and F-17403 Parcel B;

Sec. 27 (fractional), excluding Native allotments F-17405, F-17400, and F-17399;

Sec. 28 (fractional), excluding Native allotment F-17400;

Sec. 29 (fractional), excluding Native allotments F-17404, F-17403 Parcel A, U.S. Survey No. 2373, U.S. Survey No. 2372, U.S. Survey No. 2494, and Air Navigation Site 134;

Sec. 32 (fractional), excluding Native allotments F-17635 Parcel D, F-17402 Parcel A, U.S. Survey No. 2372, and Air Navigation Site 134;

Sec. 33 (fractional), excluding Native allotments F-17399, F-17635 Parcel D, and F-17402 Parcel A;

Sec. 34, excluding Native allotment F-17399;

Secs. 35 and 36.

Containing approximately 4,026 acres.

T. 14 S., R. 75 W.

Secs. 1, 2, and 3;

Sec. 4 (fractional), excluding Native allotment F-17402 Parcel B.

Containing approximately 2,210 acres.

Aggregating approximately 53,297 acres.  
 Total aggregated acreage approximately 60,867 acres.

Excluded from the above-described lands herein approved for conveyance are lands covered by tidal water up to the mean high tide including, but not limited to the water body as depicted on the attached maps, the original of which

will be found in easement case file F-14920-EE. The actual limits of tidal influence for those water bodies, if any, will be determined at time of survey.

All named and unnamed water bodies within the above-described lands were reviewed and, based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction or lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection applications, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14920-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

**60 Foot Road**—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

**One Acre Site**—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading.

Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 1 C3, C5, D1, D9, M) An easement for an existing access trail twenty-five (25) feet in width from Sec. 19, T. 12 S., R. 74 W., Seward Meridian, northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 3 D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Platinum northeasterly to a point on the north section line of Sec. 6, T. 13 S., R. 73 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

c. (EIN 4 D9) A one (1) acre site easement upland of the mean high tide line in Sec. 29, T. 13 S., R. 75 W., Seward Meridian, on the east side of South Spit. The uses allowed are those listed above for a one (1) acre site easement.

d. (EIN 6 C3, D1) An easement sixty (60) feet in width for an existing road from the northerly end of the South Spit in Sec. 17, T. 13 S., R. 75 W., Seward Meridian, southerly through Sec. 19, T. 14 S., R. 74 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(g)), that (a) the above described lands which were, on December 18, 1971, within the boundaries of the Cape Newenham National Wildlife Refuge (PLO 4583) now known as the Togiak National Wildlife Refuge (P.L. 96-487),

remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Arviq Incorporated is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 60,867 acres. The remaining entitlement of approximately 8,253 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above, excluding those lands which, on December 18, 1971, were withdrawn by PLO 4583 and which are reserved thereby as a national wildlife refuge, shall be issued to Calista Corporation, when the surface estate is conveyed to Arviq Incorporated, and shall be subject to the same conditions as the surface conveyance. This conveyance to Calista Corporation will include the subsurface estate of those lands outside of PLO 4583, which were withdrawn, subject to valid existing rights, as the Togiak National Wildlife Refuge by Pub. L. 96-487, on December 2, 1980. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the National Wildlife Refuge System, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region. The total amount of wildlife refuge system lands withdrawn prior to December 18, 1971, which have been approved for conveyance to Arviq Incorporated, is approximately 7,570 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land

Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of Federal Regulations* (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Arviq Incorporated, Platinum, Alaska 99651  
Calista Corporation, 516 Denali Street,  
Anchorage, Alaska 99501

Ann Johnson,  
Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17895 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### [F-14824-A]

#### Alaska Native Claims Selection

On November 18, 1974, Kokarmuit Corporation, for the Native village of

Akiak, filed selection application F-14824-A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), as amended, for the surface estate of certain lands in the vicinity of Akiak.

Kokarmuit Corporation, in its November 18, 1974 application, excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2651.4 (b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. For these reasons, the water bodies which were improperly excluded in the November 18, 1974 application are considered selected by Kokarmuit Corporation.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 103,238 acres, is considered proper for acquisition by Kokarmuit Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

U.S. Survey No. 2243, Alaska, situated at the Native village of Akiak, on the right bank of the Kuskokwim River, excluding U.S. Survey No. 5068, Townsite of Akiak, Alaska.

Containing 1,188.67 acres.

U.S. Survey No. 2294, Alaska, situated near the left bank of the Kuskokwim River and adjoining the south side of the unsurveyed town of Akiak, Alaska.

Containing 160 acres.

U.S. Survey No. 5068, Alaska, lot 3, Block 3, and lot 5, Block 1, Tract A, situated on the Kuskokwim River about twenty miles northeast of Bethel, Alaska.

Containing 2.58 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 9 N., R. 65 W.,  
Sec. 29;  
Sec. 30, excluding Native allotment F-18140;  
Secs. 31 and 32.

Containing approximately 2,516 acres.

T. 8 N., R. 66 W.,  
Secs. 1 to 6, inclusive;  
Sec. 7, excluding Native allotments F-17063 Parcel A and AA-8966 Parcel B;  
Secs. 8 to 17, inclusive;  
Sec. 18, excluding Native allotment F-17209 Parcel A.

Containing approximately 11,320 acres.

T. 9 N., R. 66 W.,  
Sec. 4, excluding Native allotments F-15906 and F-17077;  
Sec. 5, excluding Native allotment F-17077;  
Sec. 6;  
Sec. 7, excluding Native allotment F-17082;  
Sec. 8, excluding Native allotment F-17077;  
Sec. 9, excluding Native allotments F-15906, F-17077 and F-033569;  
Secs. 10 and 15;  
Sec. 16, excluding Native allotment F-033569;  
Sec. 17, excluding Native allotment F-17081;  
Sec. 18, excluding Native allotments F-17081 and F-17082;  
Sec. 19, excluding Native allotments F-025251, F-17081, and F-15904;  
Sec. 20, excluding Native allotment F-17081;  
Secs. 21 and 22;  
Sec. 25, excluding Native allotments F-18140 and F-17542;  
Sec. 26, excluding Native allotment F-17542;  
Sec. 27;  
Sec. 28, excluding Native allotment F-030770;  
Sec. 29, excluding Native allotments F-030770 and F-15915;  
Sec. 30, excluding Native allotment F-025251;  
Sec. 31;  
Sec. 32, excluding Native allotments F-030770, F-15915 and F-15908;  
Sec. 33, excluding Native allotment F-030770;  
Sec. 34;  
Secs. 35 and 36, excluding Native allotment F-17542.

Containing approximately 15,428 acres.

T. 10 N., R. 66 W.,  
Secs. 4 to 7, inclusive;  
Sec. 8, excluding Native allotment F-15903 Parcel B;  
Secs. 9 and 16;  
Sec. 17, excluding U.S. Survey No. 6192 and Native allotment F-15910 Parcel A;  
Sec. 18;  
Sec. 19, excluding U.S. Survey No. 6192 and Native allotment F-15919 and F-15900 Parcel B;  
Sec. 20, excluding U.S. Survey No. 6192 and Native allotment F-15900 Parcel B, F-15910 Parcel A and F-15919;  
Sec. 21, excluding Native allotment F-15911;  
Sec. 28;  
Sec. 29, excluding U.S. Survey No. 6192 and Native allotments F-15919 and F-15900 Parcel B;  
Sec. 30, excluding U.S. Survey No. 6192 and Native allotment F-15900 Parcel B;  
Secs. 31, 32, and 33.  
Containing approximately 10,304 acres.



T. 8 N., R. 67 W.,  
 Secs. 1 to 4, inclusive;  
 Secs. 10 to 14, inclusive.  
 Containing approximately 5,760 acres.

T. 9 N., R. 67 W.,  
 Secs. 1, 2, and 3;  
 Sec. 4, excluding U.S. Survey No. 2294;  
 Sec. 5, excluding U.S. Survey No. 2243, U.S. Survey No. 2294 and U.S. Survey No. 5068;  
 Sec. 6, excluding U.S. Survey No. 2243 and U.S. Survey No. 5068;  
 Secs. 7 and 8;  
 Sec. 9, excluding Native allotment F-17922 Parcel B;  
 Sec. 10, excluding Native allotments F-18569, F-17922 Parcel B, F-13197 and F-13194;  
 Sec. 11, excluding Native allotment F-13194;  
 Sec. 12, excluding Native allotment F-15898;  
 Sec. 13, excluding Native allotments F-18420 Parcel A and F-15912;  
 Sec. 14, excluding U.S. Survey No. 6159 and Native allotment F-18420 Parcel A, Native allotment F-17220 Parcel A and F-15912;  
 Sec. 15, excluding U.S. Survey No. 6159 and Native allotments F-18569, F-17922 Parcel B, F-17220, F-15909, F-13209 and F-13197;  
 Sec. 16, excluding Native allotment F-17922 Parcel B;  
 Secs. 17 and 18;  
 Sec. 19, excluding Native allotments F-15902, F-13301 and F-13205;  
 Sec. 20, excluding Native allotments F-15902 and F-13301;  
 Sec. 21;  
 Sec. 22, excluding U.S. Survey No. 6159 and Native allotment F-15909;  
 Sec. 23;  
 Sec. 24, excluding Native allotment F-025251;  
 Sec. 25, excluding Native allotments F-025251 and F-16846;  
 Sec. 26, excluding Native allotment F-16846;  
 Secs. 27 and 28;  
 Sec. 29, excluding Native allotment F-15902;  
 Sec. 30, excluding Native allotments F-15901 Parcel B, F-13345 and F-13205;  
 Sec. 31, excluding Native allotment F-13345;  
 Secs. 32, 33, and 34;  
 Secs. 35 and 36, excluding Native allotment F-16846.  
 Containing approximately 18,037 acres.

T. 10 N., R. 67 W.,  
 Secs. 1 and 2;  
 Sec. 3, excluding Native allotment F-15916;  
 Sec. 4, excluding Native allotment F-15917;  
 Sec. 5;  
 Sec. 6, excluding U.S. Survey No. 6195 and Native allotment F-15914;  
 Secs. 7 to 14, inclusive;  
 Sec. 15, excluding Native allotment F-15913 Parcel A;  
 Sec. 16, excluding U.S. Survey No. 6193 and Native allotment F-15905;  
 Sec. 17, excluding U.S. Survey No. 6193 and Native allotments F-15905 and F-15900 Parcel A;

Secs. 18 and 19;  
 Sec. 20, excluding U.S. Survey No. 6193 and Native allotment F-15900 Parcel A;  
 Sec. 21, excluding Native allotment F-15920;  
 Sec. 22, excluding Native allotment F-15913 Parcels A and B;  
 Sec. 23, excluding Native allotment F-15913 Parcel B;  
 Sec. 24;  
 Sec. 25, excluding Native allotment F-13377;  
 Secs. 26 and 27;  
 Sec. 28, excluding Native allotment F-15920;  
 Secs. 29 and 30, excluding U.S. Survey No. 2243;  
 Sec. 32, excluding U.S. Survey No. 2243, U.S. Survey No. 2294, and U.S. Survey No. 5068;  
 Sec. 33, excluding U.S. Survey No. 2294;  
 Secs. 34, 35, and 36.  
 Containing approximately 16,927 acres.

T. 11 N., R. 67 W.,  
 Secs. 20 and 21;  
 Secs. 28 to 33, inclusive.  
 Containing approximately 5,075 acres.

T. 9 N., R. 68 W.,  
 Sec. 1, excluding U.S. Survey No. 5686, and U.S. Survey No. 2243 and Native allotment F-15910;  
 Sec. 2, excluding U.S. Survey No. 5686 and Native allotment F-15910 Parcel B;  
 Sec. 3;  
 Secs. 10 and 11, excluding Native allotment F-13199;  
 Secs. 12, 13, and 14;  
 Sec. 15, excluding Native allotments F-16592 and F-16595.  
 Containing approximately 4,130 acres.

T. 10 N., R. 68 W.,  
 Secs. 1, 2, and 3;  
 Secs. 10, 11, and 12;  
 Secs. 13 and 14, excluding Native allotment F-16593;  
 Sec. 15;  
 Secs. 22, 23, and 24;  
 Sec. 25, excluding U.S. Survey No. 2243;  
 Secs. 26 and 27;  
 Secs. 34 and 35;  
 Sec. 36, excluding U.S. Survey No. 2243.  
 Containing approximately 11,110 acres.

T. 11 N., R. 68 W.,  
 Secs. 25 and 36.  
 Containing approximately 1,280 acres.  
 Aggregating approximately 103,238 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade, and commerce, or are pending a tidal determination at the time of survey. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14824-EE.

All other water bodies not depicted as navigable on the attached maps within

the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reason: Lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14824-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small and large all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

**One Acre Site**—The uses allowed on a one acre site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 14 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 1, T. 10 N., R. 67 W., Seward Meridian, on the right bank of the Kuskokwim River. The uses allowed are those listed above for a one (1) acre site easement.

b. (EIN 14a C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 14 C% northwesterly to public land. The uses allowed are those listed above for a



twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2) (ANCSA)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Kokarmuit Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 103,238 acres. The remaining entitlement of approximately 11,962 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Kokarmuit Corporation, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week for four (4) consecutive weeks, in the **Tundra Drums**.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of Federal Regulations* (CFR), Part 4,

Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Steet, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or to sign the return receipt shall have until August 2, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner or and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kokarmuit Corporation, Akiak, Alaska 99552

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17896 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### [F-14848-A]

#### Alaska Native Claims Selection

On November 22, 1974, Chefarnrmute, Incorporated, for the Native village of Chefornak, filed selection application F-14848-A, as amended, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of

December 18, 1971 (43 U.S.C. 1601, 1611 (ANCSA)), for the surface estate of certain lands in the vicinity of Chefornak, Alaska, including lands within the Clarence Rhode National Wildlife Range (Public Land Order (PLO) 2213, of December 6, 1960) (25 FR 12597).

On December 2, 1980, Sec. 303(7) of Public Law 96-487, Alaska National Interest Lands Conservation Act, established the Yukon Delta National Wildlife Refuge consisting of the Clarence Rhode National Wildlife Range (PLO 2213) and additions thereto.

As to the lands described below, selection application F-14848-A, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 82,977 acres is considered proper for acquisition by Chefarnrmute, Incorporated and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

**Lands Outside Public Land Order 2213 (Clarence Rhode National Wildlife Range) Now Known as the Yukon Delta National Wildlife Refuge**

*Seward Meridian, Alaska (Unsurveyed)*

T. 6 N., R. 75 W.,

Secs. 4 to 9, inclusive;

Secs. 16 and 17;

Sec. 18, excluding Native allotment F-025363;

Sec. 19, excluding U.S. Survey No. 4128 and Native allotment F-025363 and F-14056;

Secs. 20 and 21;

Secs. 28 and 29, excluding Native allotment F-18882;

Secs. 30 and 31, excluding Native allotment F-15942;

Secs. 32 and 33, excluding Native allotment F-18882.

Containing approximately 10,763 acres.

T. 6 N., R. 76 W.,

Sec. 1;

Sec. 2, excluding Native allotments F-17722 and F-17723;

Sec. 3, excluding Native allotments F-13103 and F-17723;

Secs. 10 to 15, inclusive;

Secs. 23 to 26, inclusive;

Secs. 35 to 36.

Containing approximately 9,250 acres.

Aggregating approximately 20,013 acres.

**Lands Within Public Land Order 2213  
(Clarence Rhode National Wildlife Range)  
Now Known as the Yukon Delta National  
Wildlife Refuge**

*Seward Meridian, Alaska (Unsurveyed)*

- T. 1 N., R. 86 W.,  
Secs. 1, 2, and 3;  
Sec. 4, excluding Native allotment F-17824 Parcel C;  
Secs. 5, 6, and 7;  
Sec. 8, excluding Native allotments F-17716 and F-17717 Parcel B, and F-17718 Parcel A;  
Secs. 9 and 17, inclusive;  
Sec. 18, excluding Native allotment F-17714 Parcel D;  
Sec. 19, excluding U.S. Survey No. 4421 and U.S. Survey No. 4094;  
Secs. 20 and 21;  
Sec. 22, excluding Native allotments F-17709 Parcel B and F-17714 Parcel C;  
Sec. 23, excluding Native allotment F-17709 Parcel B;  
Secs. 24, 25, and 26;  
Sec. 27, excluding Native allotment F-17715 Parcel C;  
Secs. 28 to 36, inclusive.  
Containing approximately 19,838 acres.
- T. 2 N., R. 86 W.,  
Sec. 20, excluding Native allotment F-17817 Parcel C;  
Secs. 21, 22, and 23;  
Secs. 25 to 28, inclusive;  
Sec. 34;  
Sec. 35, excluding Native allotments F-17714 Parcel B and F-17818 Parcel B.  
Containing approximately 5,595 acres.
- T. 1 N., R. 87 W.,  
Secs. 1 to 8, inclusive;  
Secs. 10 and 11;  
Sec. 12, excluding Native allotment F-17819 Parcel A;  
Sec. 17, excluding Native allotment F-17717 Parcel A;  
Secs. 18 and 19;  
Sec. 20, excluding Native allotment F-17714 Parcel A;  
Secs. 25, 26, and 27;  
Secs. 34 and 35;  
Sec. 36, excluding Native allotment F-17715 Parcel B.  
Containing approximately 12,293 acres.
- T. 2 N., R. 87 W.,  
Secs. 6 and 7;  
Secs. 18 to 22, inclusive;  
Secs. 27 to 34, inclusive.  
Containing approximately 9,509 acres.
- T. 3 N., R. 87 W.,  
Sec. 31.  
Containing approximately 619 acres.
- T. 2 N., R. 88 W.,  
Sec. 1;  
Sec. 2, excluding Native allotments F-17818 Parcel A and F-17822 Parcel A;  
Sec. 3, excluding Native allotment F-17818 Parcel A;  
Secs. 9, 10, and 11;  
Sec. 12, excluding Native allotment F-17821 Parcel B;  
Secs. 13 to 16, inclusive;  
Secs. 21 to 27, inclusive;  
Sec. 33 (fractional);  
Secs. 34, 35, and 36.

Containing approximately 13,830 acres.

T. 3 N., R. 88 W.,  
Secs. 35 and 36.

Containing approximately 1,280 acres.  
Aggregating approximately 62,964 acres.  
Total aggregated acreage approximately 82,977 acres.

Excluded from the above-described lands, herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce or are pending a tidal determination at the time of survey. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14848-EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Sec. 3(e) of ANCSA; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States.

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those

created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. The following third-party interest, if valid, identified by U.S. Department of the Interior, Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

Free use permit M-36-YD, issued to the State of Alaska, Department of Transportation and Public Facilities, located in Secs. 19, 30, and 31, T. 1 N., R. 86 W., Seward Meridian, for the propose of establishing, operating, and maintaining the Chefornek airport. (Formerly airport lease F-12088, issued under the provisions of the act of May 24, 1928, as amended (49 U.S.C. 211-214).)

4. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(g)), that (a) the above described lands which were on December 18, 1971, within the boundaries of the Clarence Rhode National Wildlife Range (PLO 2213) (now known as the Yukon Delta National Wildlife Refuge (Pub. L. 96-487)), remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States; and

5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Chefornek is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 82,977 acres. The remaining entitlement of approximately 9,183 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA conveyance of the subsurface estate of the lands described above, excluding those lands which, on December 18, 1971, were withdrawn by PLO 2213, and

which were reserved thereby as a national wildlife refuge, shall be issued to Calista Corporation when the surface estate is conveyed to Chefarmmute, Incorporated, and shall be subject to the same conditions as the surface conveyance. This conveyance to Calista Corporation will include the subsurface estate of those lands outside of PLO 2213, which were withdrawn, subject to valid existing rights, as the Yukon Delta National Wildlife Refuge by Pub. L. 96-487, on December 2, 1980. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the National Wildlife Refuge System the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region. The total amount of wildlife refuge system lands withdrawn on December 18, 1971, which have been approved for conveyance to Chefarmmute, Incorporated is approximately 62,964 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of Federal Regulations* (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties

who failed or refused to sign the return receipt shall have until August 2, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Chefarmmute, Incorporated, Chefarmak, Alaska 99561

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Ann Johnson,  
Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17897 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### [F-14823-A]

#### Alaska Native Claims Selection

On November 18, 1974, Akiachuk, Limited, for the Native village of Akiachak, filed selection application F-14823-A, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), as amended, for the surface estate of certain lands in the vicinity of Akiachak.

Akiachuk, Limited, in its November 18, 1974 application, excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of ANCSA. Section 12(a) and 43 CFR 2651.4 (b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. For these reasons, the water bodies which were improperly excluded in the November 18, 1974 application are considered selected by Akiachuk, Limited.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 103,099 acres, is considered proper for acquisition by Akiachuk, Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

Lot 2 of U.S. Survey No. 5744, located on the right bank of the Kuskokwim River, approximately 3 miles northeasterly of Kwethluk, Alaska.

Containing 5 acres.

#### Seward Meridian, Alaska (Unsurveyed)

T. 9 N., R. 68 W.,

Sec. 4;

Sec. 5, excluding Native allotments F-17800, F-18748 and U.S. Survey No. 5532;

Sec. 6, excluding Native allotments F-029194, F-932, F-976, F-18748, U.S.

Survey No. 5532, U.S. Survey No. 5737 and airport lease application F-971;

Sec. 7, excluding Native allotments F-029194, F-9964 Parcel 3, F-12116, F-18748 and U.S. Survey No. 5532;

Sec. 8, excluding Native allotments F-9964 Parcel 3, F-12116, F-17800, F-17802, F-18748, F-19052, U.S. Survey No. 5532 and U.S. Survey No. 5738;

Sec. 9, excluding Native allotments F-17802, F-19052 and U.S. Survey No. 5738;

Sec. 16, excluding Native allotment F-16594 and U.S. Survey No. 6155;

Sec. 17, excluding Native allotments F-12116, F-16594 and U.S. Survey No. 6155;

Sec. 18, excluding Native allotment F-12116;

Sec. 19;

Sec. 20, excluding Native allotment F-16594 and U.S. Survey No. 6155;

Sec. 21, excluding Native allotments F-13269, F-13380, F-16594, F-16595, U.S. Survey No. 6155 and U.S. Survey No. 5715.

Containing approximately 4,885 acres.

T. 10 N., R. 68 W.,

Secs. 4 to 9, inclusive;

Secs. 16 to 21, inclusive;

Secs. 28, 29 and 30;

Sec. 31, excluding Native allotments F-932, F-976, U.S. Survey No. 5737 and airport lease application, F-971;

Sec. 32, excluding Native allotment F-029987;

Sec. 33.

Containing approximately 11,127 acres.

T. 11 N., R. 68 W.,

Secs. 1 and 2;

Secs. 7, 8 and 9;

Sec. 10, excluding Native allotment F-13304;

Sec. 11;

Secs. 14 to 20, inclusive;  
 Sec. 21, excluding Native allotment F-16608;  
 Secs. 22 and 23;  
 Secs. 26, 27, 28 and 29;  
 Sec. 30, excluding Native allotment F-11708;  
 Secs. 31 to 35, inclusive.  
 Containing approximately 15,499 acres.

T. 12 N., R. 68 W.,  
 Secs. 25 and 26;  
 Secs. 35 and 36.  
 Containing approximately 2,405 acres.

T. 9 N., R. 69 W.,  
 Sec. 1, excluding Native allotments F-029107, F-029108, F-932, F-17797, U.S. Survey No. 4479, U.S. Survey No. 5737 and airport lease application F-971;  
 Sec. 2, excluding Native allotments F-029190 and F-9909;  
 Secs. 3, 4, 5 and 6;  
 Secs. 7 and 8, excluding Native allotment F-17017;  
 Secs. 9, 10 and 11;  
 Sec. 12, excluding Native allotments F-029106, F-029108, F-029194, F-977 Parcel B, F-9612 Parcel B, F-17798 and Native allotment litigation AA-37843;  
 Secs. 13 to 17, inclusive;  
 Sec. 18, excluding Native allotments F-13945, F-17021 and F-17928 Parcel B;  
 Sec. 19, excluding Native allotments F-13804, F-17021 and F-17928 Parcel B;  
 Sec. 20, excluding Native allotments F-13804 and F-17928 Parcel B;  
 Secs. 21 and 22;  
 Sec. 23, excluding Native allotment F-17066 Parcel A and U.S. Survey No. 5744;  
 Sec. 24.  
 Containing approximately 11,383 acres.

T. 10 N., R. 69 W.,  
 Sec. 1, excluding Native allotment F-17083;  
 Sec. 2, excluding Native allotments F-029184, F-17016, F-17083 and U.S. Survey No. 5752;  
 Sec. 3, excluding Native allotment F-17019 Parcel B and F-17801;  
 Secs. 4 and 5;  
 Sec. 6, excluding Native allotment F-029988;  
 Secs. 7 and 8;  
 Sec. 9, excluding Native allotments F-17020, F-17799 and U.S. Survey No. 5753;  
 Sec. 10, excluding Native allotments F-17019 Parcel B, F-17020, F-17799 and U.S. Survey No. 5753;  
 Secs. 11, 12, 13 and 14;  
 Secs. 15 and 16, excluding Native allotment F-17799 and U.S. Survey No. 5753;  
 Secs. 17, 18 and 19;  
 Sec. 20, excluding Native allotment F-15758 Parcel A;  
 Sec. 21, excluding Native allotments F-14215 Parcel B, F-15758 Parcel A and U.S. Survey No. 5754;  
 Secs. 22 to 27, inclusive;  
 Sec. 28, excluding Native allotment F-14215 Parcel B, U.S. Survey No. 5754 and Native allotment litigation AA-37782;  
 Secs. 29 to 34, inclusive;  
 Sec. 35, excluding Native allotment F-9909;  
 Sec. 36, excluding Native allotments F-029107, F-932, U.S. Survey No. 4479, U.S. Survey No. 5737 and airport lease application F-971.

Containing approximately 19,947 acres.

T. 11 N., R. 69 W.,  
 Secs. 1 to 23, inclusive;  
 Secs. 24 and 25, excluding Native allotment F-11708;  
 Secs. 26 to 34, inclusive;  
 Sec. 35, excluding Native allotments F-029184 and F-17083;  
 Sec. 36, excluding Native allotments F-029182, F-029184 and F-17083.  
 Containing approximately 22,549 acres.

T. 12 N., R. 69 W.,  
 Secs. 25 to 36, inclusive.  
 Containing approximately 7,614 acres.

T. 11 N., R. 70 W.,  
 Secs. 1 and 2;  
 Secs. 11, 12, 13 and 14;  
 Secs. 23, 24, 25 and 26;  
 Secs. 35 and 36.  
 Containing approximately 7,680 acres.  
 Aggregating approximately 103,099 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14823-EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reason: lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of

which will be found in case file F-14823-EE, are reserved to the United States. All easements are subject to applicable Federal, State or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 1 D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Akiachak in Sec. 36, T. 10 N., R. 69 W., Seward Meridian, northerly to the Yukon River and public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. This easement is limited to winter use only.

b. (EIN 4 D1) An easement for an existing access trail twenty-five (25) feet in width from Akiachak in Sec. 36, T. 10 N., R. 69 W., Seward Meridian, southwesterly to Bethel trail easement EIN 5 D1 in Sec. 24, T. 9 N., R. 70 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. This easement is limited to winter use only.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Akiachuk, Limited is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 103,099 acres. The remaining entitlement of approximately 12,101 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Akiachuk, Limited, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of Federal Regulations* (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office,

Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Akiachuk, Limited, Akiachuk, Alaska 99551

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17898 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### [AA-6982-D]

#### Alaska Native Claims Settlement Act

On December 20, 1974, Kake Tribal Corporation, for the Native village of Kake, filed selection application AA-6982-D under the provisions of Sec. 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1615(b) (1976) (ANCSA), for the surface estate of certain lands in the vicinity of Kake, Alaska.

As to the lands described below, selection application AA-6982-D is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 16(b) of ANCSA, containing approximately 240 acres, is considered proper for acquisition by Kake Tribal Corporation and is hereby approved for conveyance pursuant to Sec. 14(b) of ANCSA:

Copper River Meridian, Alaska (Unsurveyed)

T. 57 S., R. 73 E.

Sec. 3, W½SE¼, SE¼SE¼ (fractional), excluding ANCSA Sec. 3(e) applications AA-39180 and AA-39181, and Native allotment application A-060671 Parcel A; Sec. 10, E¼ (fractional), that portion located on Kupreanof Island; Sec. 11, SW¼SW¼ (fractional).

Containing approximately 240 acres.

There are no inland water bodies considered to be navigable within the above-described lands.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are under applications pending further adjudication or lands are pending a determination under Sec. 3(e) of ANCSA. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easements, referenced by easement identification number (EIN) on the easement map attached to this document, copies of which will be found in case file AA-6982-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**60 Foot Road**—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 2 C5, G) An easement sixty (60) feet in width for an existing road from the Kake townsite in Sec. 3, T. 57 S., R. 73 E., Copper River Meridian, southeasterly to Portage Bay in Sec. 10, T. 57 S., R. 73 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

b. (EIN 6 G) An easement sixty (60) feet in width for an existing road from the point where it intersects EIN 2 C5, G, in Sec. 10, T. 57 S., R. 73 E., Copper River Meridian, easterly to the selection boundary in Sec. 11, T. 57 S., R. 73 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

c. (EIN 7 G) An easement sixty (60) feet in width for an existing road from EIN 6 G in Sec. 10, T. 57 S., R. 73 E., Copper River Meridian, northerly to U.S. Forest Service administrative site facilities in Sec. 10, T. 57 S., R. 73 E.,

Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. The following third-party interests, if valid, created and identified by the U.S. Forest Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(g):

a. Special Use Permit issued to Southeastern Telephone Company for an existing right-of-way in Sec. 3, T. 57 S., R. 73 E., Copper River Meridian;

b. Special Use Permit issued to Leo B. Kondro for a floathouse and shore-tie in the NE¼ of Sec. 10, T. 57 S., R. 73 E., Copper River Meridian.

4. Requirements of Sec. 22(k) of the Alaska Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1621(k), that, until December 18, 1983, the portion of the above-described lands located within the boundaries of a national forest shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands; and

5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(v), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Kake Tribal Corporation is entitled to conveyance of 23,040 acres of land selected pursuant to Sec. 16(b) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is

approximately 21,952.89 acres. The remaining entitlement of approximately 1,087.11 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ASCSA, conveyance of the subsurface estate of the lands described above shall be issued to Sealaska Corporation when the surface estate is conveyed to Kake Tribal Corporation, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *SOUTHEAST ALASKA EMPIRE* (Juneau).

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of Federal Regulations* (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 2, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such

appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kake Tribal Corporation, P.O. Box 263,

Kake, Alaska 99830

Sealaska Corporation, One Sealaska

Plaza, Suite 400, Juneau, Alaska 99801

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-17899 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

### Grand Junction District; Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 91-463 that a meeting of the Grand Junction District Grazing Advisory Board will be held on Thursday, August 5, 1982.

The meeting will begin at 9 a.m. in the conference room of the Bureau of Land Management Office at 764 Horizon Drive, Grand Junction, Colorado. The agenda for the meeting will include (1) minutes of the previous meeting, (2) election of officers, (3) review of BLM's new range management policy, (4) discussion of livestock grazing alternatives in the Glenwood Springs Resource Management Plan, (5) discussion of the proposed agreement on project funding with the Moab BLM District, (6) review of the range improvement maintenance transfer effort, (7) status of current range improvement projects, (8) new project proposals, (9) future role of the board, and (10) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:00 p.m., or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501, by July 30, 1982. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.



Further information on the meeting may be obtained at the above address or by calling (303) 243-6552.

David A. Jones,  
District Manager.

[FR Doc. 82-17903 Filed 6-30-81; 8:45 am]  
BILLING CODE 4310-82-M

[OR-12652]

### Oregon; Termination of Proposed Withdrawal and Reservation of Lands

Notice of Forest Service, Department of Agriculture, application OR 12652 for withdrawal and reservation of lands was published as FR Doc. 74-15986 on page 25671 of the issue of July 12, 1974, as amended by notice published as FR Doc. 74-18981 on page 29946 of the issue of August 19, 1974. The purpose of the proposed withdrawal was to protect certain recreational values associated with the Ochoco Rockhound Recreation Area, and the following described lands were temporarily segregated from nonmetalliferous mineral location and entry under the mining laws (30 U.S.C. Ch. 2):

#### Willamette Meridian

##### Ochoco National Forest

- T. 13 S., R. 17 E.,  
Sec. 1, lots 1, 2, 3, 4, S½N½, and S½;  
Secs. 12 and 13;  
Sec. 23, E½;  
Sec. 24;  
Sec. 25, N½NE½, NW½, NE½SE½, and S½SE½;  
Sec. 26, NE½ and S½;  
Sec. 27, S½;  
Sec. 34;  
Sec. 35, NW½NE½, NW½, N½SW½; SW½, and E½SE½;  
Sec. 36, NE½, NE½NW½, S½NW½, and S½.
- T. 12 S., R. 18 E.,  
Secs. 25 and 28;  
Sec. 29, E½;  
Sec. 31, lots 3, 4, E½SW½, and SE½;  
Secs. 35 and 36.
- T. 13 S., R. 18 E.,  
Sec. 1, lots 1, 2, 3, 4, S½N½, and S½;  
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;  
Sec. 3, lots 1, 2, 3, 4, S½N½, and S½;  
Sec. 4, lots 1, 2, 3, 4, S½N½, and S½;  
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE½, SE½NW½, E½SW½, and SE½;  
Sec. 7, lots 1, 2, 3, 4, and E½W½;  
Secs. 9, 10, and 11;  
Sec. 12, W½;  
Sec. 14, W½;  
Sec. 15, N½ and SE½;  
Sec. 16, N½;  
Sec. 18, lots 1, 2, 3, 4, and E½W½;  
Sec. 19, lots 1, 2, 3, 4, and E½W½;  
Sec. 20, SE½;  
Sec. 21, S½;  
Sec. 22, NE½ and S½;  
Sec. 23, W½;  
Secs. 27 and 28;  
Sec. 29, E½;  
Sec. 30, lots 3, 4, and E½SW½;

- Sec. 31, lots 1, 2, 3, 4, and E½W½;  
Sec. 34, N½.
- T. 12 S., R. 19 E.,  
Sec. 19, lots 1, 2, 3, 4, E½, E½W½;  
Secs. 20 and 21;  
Sec. 27, W½;  
Secs. 28 and 29;  
Sec. 30, lots 1, 2, 3, 4, E½, and E½W½;  
Sec. 31, lots 1, 2, 3, 4, E½, E½W½;  
Secs. 32 and 33
- T. 13 S., R. 19 E.,  
Sec. 6, lots 1, 2, 3, 4, 5, S½NE½, and SE½NW½;  
Secs. 11 to 14, inclusive.
- T. 13 S., R. 20 E.,  
Sec. 7, lots 1, 2, 3, 4, E½, and E½W½;  
Sec. 16, SW½;  
Sec. 17, S½;  
Sec. 18 lots 1, 2, 3, 4, E½, and E½W½.
- T. 17 S., R. 20 E.,  
Secs. 20, 21, and 28;  
Sec. 29, NE½, E½NW½, and S½.

The areas described aggregate 32,986.80 acres in Crook and Wheeler Counties, Oregon.

The applicant agency has cancelled the application in its entirety; therefore, pursuant to the regulations contained in 43 CFR 2310.2-1(c), the above described lands will be relieved of the above-mentioned segregative effect at 9:30 a.m., on August 9, 1982.

Dated: June 25, 1982.

Harold A. Berends,  
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-17904 Filed 6-30-81; 8:45 am]  
BILLING CODE 4310-84-M

### Revision To Final Wilderness Intensive Inventory

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Revision of wilderness inventory decision.

**SUMMARY:** Pursuant to new information, notice is given that the Bureau of Land Management, California, is recommending a revision to the Final Wilderness Intensive Inventory for 71 acres comprising the existing Comb's Peak Wilderness Study Area (WSA CA-060-021A). Specifically, the area is recommended to be dropped from further Wilderness consideration as it does not qualify as a WSA.

The Comb's Peak WSA was identified as a WSA during the Intensive Inventory Phase, when available maps indicated that the Comb's Peak Roadless Area was contiguous to a portion of Anza-Borrego Desert State Park which was being recommended as a unit of the California State Wilderness Preservation System. Recent actions by the State of California have designated the Anza-Borrego Desert Wilderness. Recently prepared maps indicate that

the Anza-Borrego Desert Wilderness area is not contiguous to the Comb's Peak area, which at 71 acres in size no longer qualifies as a wilderness study area.

**DATE:** Public comments and protests will be accepted on or before August 2, 1982. This protest period applies only to the amended decision on Intensive Inventory Unit CA-060-021A. No other part of California's Final Intensive Wilderness Inventory is open to protest.

**PROTESTS:** Persons wishing to protest this determination shall file a written protest. Protests should include a clear and concise statement of reasons for the protest, and must furnish supporting data to the State Director, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825. Protests must be received by the State Director within 30 days unless postmarked on or before that date. The State Director, California, will render a written decision on any protest so received. If no protests are received, the decision of the State Director is considered final.

#### FOR FURTHER INFORMATION CONTACT:

David H. Eslinger, Wilderness Coordinator, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, California 92507. Telephone (714) 351-6397 or 351-6394.

#### Revised Final Wilderness Intensive Inventory Narrative

##### CA-060-021A, Comb's Peak A

**I. Physical Boundaries.** The southern boundary is the California Department of Forestry firebreak. Nonpublic lands form the boundaries to the west and north. The Anza-Borrego Desert State Park forms the eastern boundary. The Anza-Borrego Desert State Wilderness to the northeast is offset from, and not contiguous with the unit.

**II. Land Ownership.** The 71-acre unit is composed of public lands.

**III. Description of Environment.** The area consists of a side ridge that extends to the main Bucksnort Mountain Ridge. Generally, dense chaparral covers the unit, but brief openings are found in the vegetation.

**IV. Natural Condition.** Neither roads nor ways intrude into the area. Several rock cairns exist along the ridgeline, but no evidence was found indicating active mining claims. Similar cairns were found in the unit's southeastern streambed. In general, the unit is in a natural condition.

**V. Outstanding Opportunities for Solitude or a Primitive and Unconfined Type of Recreation.** The small size, configuration, and dense vegetation of



the roadless unit generally limits opportunities for solitude or a primitive and unconfined type of recreation.

#### VI. Summary of Public Comments.

Public comments varied from general references to gemstone deposits and mines in the region to being potential bighorn sheep habitat. More specific comments referred to managing the area for fire protection, hiking access and wildlife protection. Some public comments agreed with BLM findings.

No mines were found within the unit. Questions of potential mineral and gem deposits are study phase considerations and so are comments on managing the unit.

Ed Hastey,

State Director.

[FR Doc. 82-17910 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

[U-4933]

#### Utah; Termination of Classification for Multiple-Use Management and Termination of Mineral Segregation

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order U-4933 published in the *Federal Register* August 20, 1968, Vol. 33, No. 162, Pages 11786-7 is hereby terminated, except for lands described in paragraph 3 of this notice.

The public lands involved aggregate 1,645,062 acres in Grand and San Juan Counties.

2. The public lands described in the notices were classified for Multiple-Use Management and segregated from appropriation under the Agricultural Land Laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334), and from sales under section 2455 of the Revised Statutes amended (43 U.S.C. 1171). Paragraph 3 also segregated 10,437 acres of the lands from all forms of appropriation, entry, location or selection under the public land laws, including the general mining laws.

3. The lands described in this paragraph will remain segregated under the terms of the original classification, including location for minerals under the general mining laws; and are not affected by this termination.

Salt Lake Meridian, Utah

Picture Frame Arch

T. 27 S., R. 22 E.,  
Sec. 21, S½NW¼SE¼, N½SWSE¼,  
NE¼SE¼SW¼.

Fisher Towers

T. 24 S., R. 24 E.,  
Sec. 7, SE¼SE¼;

Sec. 8, S½SW¼;  
Sec. 17, all;  
Sec. 18, NE¼NE¼.

Castle Rock and Priest and Nuns

T. 25 S., R. 23 E.,  
Sec. 3, S½NW¼, SW¼;  
Sec. 4, SE¼NE¼, E½SE¼;  
Sec. 9, NE¼NE¼;  
Sec. 10, NW¼.

Pritchett Arch

T. 26 S., R. 21 E.,  
Sec. 25, SW¼SW¼.  
Aggregating 1,450 Acres.

4. Pursuant to the regulations set forth in (43 CFR 2461.5(c)(2)), the above classification except lands in paragraph 3 of this notice, is hereby terminated. At 10:00 a.m., on June 30, 1982, the lands described in said Notice of August 20, 1968 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on June 30, 1982 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

5. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable laws, the lands described in paragraph 3 of the notice dated August 20, 1968, except for lands in paragraph 3 of this notice, will also be open to location under the United States Mining Laws at 10:00 a.m., on June 30, 1982.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: June 18, 1982.

Roland G. Robinson,  
State Director.

[FR Doc. 82-17908 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-84-M

#### Minerals Management Service

#### California; Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, and Secretarial Order 3071, the following described lands are hereby revoked as the Ford Dry Lake

Known Geothermal Resources Area, effective June 4, 1982:

(5) California Ford Dry Lake Known Geothermal Resources Area

San Bernardino Meridian, California

T. 6 S., R. 19 E.,  
Secs. 22, 23, 24, 26, 27, 33, 34, and 35.  
T. 7 S., R. 19 E.,  
Secs. 3, 4, 8, and 9.

The revoked area described aggregates 7,687 acres, more or less.

Dated: June 18, 1982.

Richard M. Bloyd,  
Minerals Manager, Western Region.

[FR Doc. 82-17943 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-MR-M

#### California; Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, and Secretarial Order 3071, the following described lands are hereby revoked as the Lovelady Ridge Known Geothermal Resources Area, effective June 4, 1982:

(5) California Lovelady Ridge Known Geothermal Resources Area

Mount Diablo Meridian, California

T. 16 N., R. 6 W.,  
Sec. 3, lots 1 to 4, inclusive, S½N¼, SW¼,  
W½SE¼;  
Secs. 4 through 11, inclusive;  
Sec. 13, W½NW¼;  
Sec. 14, NE¼, W¼;  
Sec. 15.

The revoked area described aggregates 6,879 acres, more or less.

Dated: June 18, 1982.

Richard M. Bloyd,  
Minerals Manager, Western Region.

[FR Doc. 82-17944 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-MR-M

#### California; Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, and Secretarial Order 3071, the following described lands are hereby revoked as the Little Horse

Mountain Known Geothermal Resources Area, effective June 4, 1982:

(5) California Little Horse Mountain Known Geothermal Resources Area

Mount Diablo Meridian, California

T. 16 N., R. 8 W.,  
Sec. 6.

T. 16 N., R. 9 W.,  
Sec. 1, lots 1, 2, 3, and 4, S½N½, N½S½,  
S½SW¼.

The revoked area described aggregates 1,196 acres, more or less.

Dated: June 18, 1982.

Richard M. Bloyd,

Minerals Manager, Western Region.

[FR Doc. 82-17945 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-MR-M

### Office of the Secretary

[516 DM 6, Appendix]

### National Environmental Policy Act Revised Implementing Procedures

**AGENCY:** Department of the Interior.

**ACTION:** Notice of final revised instructions for the Fish and Wildlife Service.

**SUMMARY:** This notice announces a complete revision to the actions categorically excluded from the NEPA process for the Fish and Wildlife Service. The proposed revised instructions were published in the Federal Register on December 2, 1981 (26 FR 58601).

**EFFECTIVE DATE:** June 22, 1982.

**FOR FURTHER INFORMATION CONTACT:** Bruce Blanchard, Director, Office of Environmental Project Review, Office of the Secretary, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-3891. For Fish and Wildlife Service, contact Paul Burke, Telephone (202) 343-5685.

**SUPPLEMENTARY INFORMATION:** This is a final revision to Section 1.4 of Appendix I to Chapter 6, Part 516 of the Departmental Manual (516 DM 6, App. 1.4). It replaces the categorical exclusions previously published in the Federal Register on July 17, 1980. The Department's NEPA procedures were published on April 23, 1980 (45 FR 47941). This list of categorical exclusions revises and updates the former list of Service actions and is based on continued experience with the NEPA process, especially in regard to actions in the Wildlife Resources and Federal Assistance programs.

The revised categorical exclusions must be taken in conjunction with the CEQ regulations (40 CFR 1500), the Departmental NEPA procedures (516 DM 1-6), and the Service's implementing procedures (516 DM 6, Appendix 1);

particularly, with respect to Chapter 2 of the Departmental Manual, Section 2.3A, where guidance is provided to the bureaus as to what types of actions can be categorically excluded. Section 2.3A(3) describes conditions whereby individual actions that otherwise meet the criteria of one or more categorical exclusions may pose the risk of significant impact and thus cannot be excluded from the NEPA process. In addition, program managers within the Service will prepare technical guidance procedures on how these exclusions apply to program-specific actions. Each program's guidance procedures will require the concurrence of the Service's Associate Director—Environment to further enhance Service-wide consistency in NEPA compliance.

The final revised categorical exclusions have been restructured around four subheadings instead of the six subheadings that appeared in the proposed revisions. Also, several exclusions have been combined or eliminated where they were found to be redundant or unnecessary. In addition, some examples (of types of actions) have been eliminated because they were found to be either open to broad interpretation or because they offered only a vague definition.

An area of the proposed revisions has been redefined. As proposed, only lands acquired through grants to States would have been categorically excluded. This has been revised to include lands acquired under specified conditions by the Service as well as by the States through grant programs. This resolves the obvious inconsistency in categorically excluding State, but not Service, land acquisitions. Further, the Service's *Land Acquisition Planning Handbook* (2 REM) details the procedure under which all Service lands must be acquired. Thus, while many Service land acquisitions meet the specified conditions, on environmental assessment will, under normal circumstances, be required. We have also added an exclusion for actions involving more than one bureau in order to be consistent with several other bureau appendices.

The table below is provided to cross-reference the proposed and final sections.

Proposed section	Final section
A(1) .....	B(1).
A(2) .....	B(1).
B(1) .....	B(2).
B(2) .....	B(2).
B(3) .....	C(3).
B(4) .....	B(2).
B(5) .....	B(4).

Proposed section	Final section
B(6) .....	C(4).
B(7) .....	B(5).
B(8) .....	C(5).
B(9) .....	B(3).
B(10) .....	B(2).
C(1) .....	B(6).
C(2) .....	B(6).
C(3) .....	None.
D(1) .....	C(1).
D(2) .....	C(2).
D(3) .....	C(6).
E(1) .....	A(3).
E(2) .....	A(2).
E(3) .....	B(6).
E(4) .....	A(1).
F(1) .....	D(2).
F(2) .....	D(2), A(4).
F(3) .....	D(1).
F(4) .....	D(2), A(2).
None .....	A(4).
None .....	C(7).

### Response to Comments

The proposed revisions to the Service's categorical exclusions were published in the Federal Register on December 2, 1981 (46 FR 58601) and fifteen comments were received. As a result of these comments and other internal input, several technical changes were made to refine the final list of categorical exclusions. The following is the Service's response to the substantive comments:

#### *Adequate Time Has Not Been Allowed to Evaluate the Existing List of Categorical Exclusions Before Developing the Proposed Revisions.*

Two commenters stated that since the existing list of categorical exclusions was less than two years old, the Service has not provided enough time to properly evaluate its effectiveness before attempting to revise it.

The Service's position is that, while eighteen months may not appear to be an adequate review period, it represents, collectively, almost two thousand staff-years of management experience. During that period, more than five hundred EA's and FONSI's were prepared and finalized. While sheer numbers of FONSI's alone cannot justify a categorical exclusion, they were a contributing factor in the decisions to revise the exclusions.

#### *The Revisions Contain Vague or Broad Definitions.*

Two commenters questioned the use of vague or overly broad terms in the proposed revisions.

We concur. Many of the qualifying terms have been replaced or eliminated in this final revision. However, some terms remain where more precise alternatives could not be found and their use could not be avoided. This occurs primarily where we have placed limits on the scope of a categorical exclusion. We would welcome further comments

on this subject as we gain more experience in applying these exclusions.

*The Risk of Significant Impact.*

Three commenters place strong emphasis on their position that the proposed revisions would allow for actions which could cause significant impacts.

The Service's position is that the categorical exclusions identify the types of activities that, based on experience in the vast majority of cases, do not individually or cumulatively cause significant impacts. While it is possible that under certain circumstances on activity might cause a significant impact, such circumstances would be rare, would be recognized and would thereby be treated as exceptions to the exclusion (See 516 DM 2.3A(3)). The Service is not attempting to raise the threshold of "significance," but merely broadening the list of activities that we have determined through experience result in no significant impact. The fact remains that should the possibility of significant impacts be identified, the action proposed must be developed in full compliance with NEPA, the CEQ regulations and 516 DM 2.

*Cumulative Impacts May Not Be Given Adequate Consideration.*

Two commenters expressed concern for the adequate treatment of cumulative impacts that may be caused by categorically excluded activities.

The need to identify and evaluate cumulative impacts is a valid and substantive concern. All too frequently, major Federal actions are performed with inadequate consideration of cumulative impacts. The revised categorical exclusions have been prepared with careful attention given to all areas where cumulative impacts could be possible. We believe that we have addressed these concerns. In addition, the exception stated in 516 DM 2.3A(3)(f) is designed to assure that any actions with cumulative significant impacts are not categorically excluded.

*Actions Affecting Threatened and Endangered Species, Marine Mammals and Eagles Should Not Be Categorically Excluded.*

One commenter expressed the concern that threatened and endangered species, marine mammals and eagles would not be given adequate consideration with the categorical exclusion of the Service's wildlife permit activities (50 CFR Chapter 1, Subchapter B). Endangered species and CITES permit applications are reviewed by the Office of Endangered Species (OES) and/or the Office of Scientific Authority (OSA), the Division of Law Enforcement and, where appropriate, the State wildlife resources agency. Endangered

Species Act and marine Mammal Protection Act permit applications are given public notice in order to elicit either biological information or public objection. No permit is granted by the Service if there is a finding of jeopardy by OES or a finding of detriment by OSA. Objections and recommendations from responsible parties are fully considered and accommodated wherever possible.

The subject exclusion, C(1), has been modified so that permits involving the killing, the removal from natural habitat or the permanent impairment of reproductive capability of endangered or threatened species, eagles or marine animals are not categorically excluded. It is the Service's position that adequate mechanisms exist to ensure the protection of threatened and endangered species, eagles and marine mammals otherwise affected by the categorical exclusions.

*Rights-of-Way.*

Four commenters supported the proposed revisions pertaining to rights-of-way and two of them proposed additional exclusions pertaining to designated corridors. Four other commenters opposed the breadth of the rights-of-way provisions and recommended that they be further limited in scope.

We have carefully reviewed these comments and made several clarifying changes. We have not added any exclusions for designating or designated corridors, because the Service does not designate corridors. This is a function of the Bureau of Land Management and only pertains to lands under its jurisdiction.

*State Grants.*

Seven States supported the exclusions as they pertained to State grants and provided various constructive recommendations. One commenter opposed the State grant provisions because it believed that the resource management actions were too broad and did not qualify for a categorical exemption.

The grant exclusions are primarily incorporated into the general and resource management exclusions. Our responses to comments on these exclusions are provided above.

Dated: June 22, 1982.

William D. Bettenberg,  
Deputy Assistant Secretary, Policy, Budget  
and Administration.

**Appendix I**

1.4 *Categorical Exclusions:* In addition to the actions listed in the Departmental categorical exclusions outlined in Appendix I of 516 DM 2,

many of which the Service also performs, the following FWS actions are designated categorical exclusions unless the action qualifies as an exception under 516 DM 2.3(A)(3):

*A. General:*

(1) Changes or amendments to an approved action when such changes have no potential for causing substantial environmental impact.

(2) Personnel training, environmental interpretation, public safety efforts and other educational activities.

(3) The issuance and modification of procedures, including manuals, orders and field rules, when the impacts are limited to administrative or technological effects.

(4) The acquisition of land in accordance with the Service's procedures, when the acquisition is from a willing seller, the acquisition planning process has been performed in coordination with the affected public and continuance of essentially the existing use is planned.

*B. Resource Management:*

(1) Research, inventory and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, and no introduction of either exotic organisms or contaminants.

(2) The operation, maintenance and management of existing facilities and improvements (i.e., structures, roads), including renovations and replacements which result in no or only minor changes in the capacity, use or purpose of the affected facilities.

(3) The addition of small structures or improvements in the area of existing improvements, which result in no or only minor changes in the capacity, use or purpose of the affected area.

(4) The reintroduction (stocking) of native or established species into suitable habitat within their historic or established range.

(5) Minor changes in the amounts or types of public use on FWS or State-managed lands, in accordance with existing regulations management plans and procedures.

(6) Consultation and technical assistance activities directly related to the conservation of fish and wildlife resources.

*C. Permit and Regulatory Functions:*

(1) The issuance of permits for activities involving fish, wildlife or plants regulated under 50 CFR Chapter 1, Subchapter B, except when such permits involve the killing, the removal from natural habitat or the permanent impairment of reproductive capability of

endangered species, threatened species, eagles or marine mammals.

(2) The issuance of special regulations for public use of FWS-managed land, which maintain essentially the permitted level of use and do not continue a level of use that has resulted in adverse environmental effects.

(3) Permitting a limited additional use of an existing right-of-way, such as the addition of new power or telephone lines where no new structures or improvements are required, or the addition of buried lines.

(4) The issuance or reissuance of rights-of-way and special use permits that result in no or negligible environmental disturbance.

(5) The reissuance of grazing or agricultural use permits which do not increase the level of use nor continue a level of use that has resulted in adverse environmental effects.

(6) Activities directly related to the enforcement of fish and wildlife laws.

(7) Actions where FWS has concurrence or coapproval with another bureau and the action is a categorical exclusion for that bureau.

#### D. State Grants:

(1) State planning grants and the administrative determination that State plans were prepared in accordance with prescribed standards. However, when the plan is submitted for approval, the program proposed by the plan is subject to the NEPA process.

(2) Grants for categorically excluded actions listed in paragraphs A, B and C above.

[FR Doc. 82-17949 Filed 6-30-82; 8:45 am]

BILLING CODE 4310-31-M

## INTERSTATE COMMERCE COMMISSION

### Motor Carriers; Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that

opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the *Federal Register*. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

*Amendments to the request for authority will not be accepted after the date of this publication.* However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy or simplifying grants of operating authority.

*We find*, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time

period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Dated: June 24, 1982.

Agatha L. Mergenovich,  
Secretary.

MC-F-14872, filed June 3, 1982.  
MILLER TRANSFER AND RIGGING CO. (Miller) (P.O. Box 6077, Akron, OH)—Merger—MIDWEST SPECIALIZED HAULERS, INC. (Midwest) (P.O. Box 243, Cuyahoga Falls, OH). Representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215. Applicants seek authority under 49 U.S.C. 11343 to merge the operating rights and properties of Midwest into Miller. Operating rights to be merged are embraced in Certificate MC-108962 and 108962 Sub 8X authorizing service over irregular routes in the transportation of heavy machinery and contractors' machinery, equipment, materials and supplies, between Dubuque, IA and points in IA within 25 miles of Dubuque, on the one hand, and, on the other, points in WI and IL; and commodities, the transportation of which, because of size or weight, require the use of special equipment, between points in MN and WI, on the one hand, and, on the other, points in the US (except OH, WV, VA, MD, PA, DE, NJ, NY, CT, and DC). Transferee is presently authorized to operate in each of the continental United States. Transferor and transferee are each controlled by United Transport Industries, Inc., P.O. Box 1161, Akron, OH 44306, and in turn by Mr. John J. Brutvan, P.O. Box 1161, Akron, OH 44306, each of whom join in the application to continue in control of said operating rights and properties.

MC-F-14867 filed May 27, 1982.  
McKINLAY TRANSPORT, INC. (McKinlay) (34200 Mound Road, Sterling Heights, MI 48077)—Control—U.S. TRUCK COMPANY, INC. (U.S.) (2290 24th Street, Detroit, MI 48216). Representative: Walter N. Bienenman, 100 West Long Lake Road, Bloomfield Hills, MI 48013. McKinlay a newly formed noncarrier, seeks to acquire control of U.S. through the purchase of stock. McKinlay is a wholly owned subsidiary of Flanvi Transport, Ltd. (Flanvi) Windsor, Ontario, Canada, also a noncarrier, the sole shareholder of which is A. A. Moroun. A. A. Moroun is an officer and shareholder (holder of a 15.163 percent interest) of CenTra, Inc. (CenTra), a holding company controlled by T. J. Moroun and M. J. Moroun, the

father and brother of A. A. Moroun. CenTra controls Central Transport, Inc., a motor common carrier operating under Certificate No. MC-19311 and subnumbers thereunder; C.T. Transport, Inc. a motor common carrier operating under certificate No. MC-141609 and subnumbers thereunder; and Central Cartage Co., a Michigan intrastate motor carrier which controls McKinlay Transport, Ltd., a motor common carrier operating under certificate No. MC-12382 and subnumbers thereunder. Flanvi, A. A. Moroun, T. J. Moroun, and M. J. Moroun join in the application. Neither T. J. Moroun nor M. J. Moroun will have any ownership interest in U.S., but have joined in the application because of the existing family and business relationship with A. A. Moroun. U.S. is a motor common carrier of general commodities operating under Certificate No. MC-59336 (Sub-No. 30) over regular and irregular routes in Michigan, Ohio, and Kentucky.

**Notes.**—(1) This notice does not purport to be a complete description of the operating rights of the carriers mentioned. (2) application for temporary authority has been filed.

MC-F-14871 filed June 7, 1982. ABF FREIGHT SYSTEM, INC. (ABF) (301 South 11th Street Fort Smith, AR 72901)—Control and Merger—EAST TEXAS MOTOR FREIGHT LINES, INC. (ETMF) (2355 Stemmons Freeway, Dallas, TX 75207). Representatives: Thomas Harper, P.O. Box 43, Fort Smith, AR 72902, and David G. Macdonald, 1000 16th Street, NW., Washington, DC 20036. ABF seeks authority to acquire control of ETMF, through acquisition of its capital stock in exchange for shares of the preferred stock of ARKANSAS BEST CORPORATION (ABC), a Delaware corporation, a noncarrier and parent of ABF, and merger of ETMF into ABF. ETMF joins in the application as a party applicant. ABC, a noncarrier, except for issuance of carrier-related securities, seeks authority to control the carrier operating rights and properties of ETMF as a consequence of the transaction, in common with ABF and other carriers which it controls, and joins in the application. The operating rights of ETMF to be controlled are contained in certificates issued in Docket No. MC-41432 and sub-numbers thereunder. These authorities authorize the transportation of general commodities (usual exceptions), between points in the United States (except Alaska and Hawaii). As a matter directly related to and as a necessary step in the transaction proposed, it is proposed that ABF shall become a Delaware corporation, like its parent ABC, to facilitate the issuance of

capital stock by ABC for use in the proposed merger of ABF and ETMF. This will be accomplished by re-incorporating ABF as a Delaware corporation or merging ABF into a new corporation—ABF Freight System of Delaware, Inc. (ABF Del.)—at the time of consummation of this ABF-ETMF transaction. Accordingly, authority is sought also under 49 U.S.C. 11343, to authorize the merger of ABF into ABF Del., and immediately thereafter for ABF Del., in place of ABF, to acquire ETMF through merger at the closing. AFB Del. joins in this application for that purpose. Upon completion of the merger of ABF into ABF Del., the latter will have the same officers, directors, operating authority, assets and liabilities as ABF and the same capitalization except for an increase of \$1,000 in capital stock and cash. ABC controls, directly or indirectly, two other motor carriers subject to ICC jurisdiction. (1) Container Carrier Corporation (CCC), which holds operating authorities issued in Docket No. MC-135419, and (2) Trans-States Lines, Inc. (TSL), which holds operating authorities issued in Docket No. MC-149026. The operating authorities of CCC authorize transportation of general commodities between ports of entry and points within the United States and of specified commodities between stated points. The operating authorities of TSL authorize transportation of general and specified commodities over regular and irregular routes between designated points. ABC also controls CPI, Inc., a non-carrier but an applicant in Docket No. MC-161412 (also embracing MC-F-14838) for motor carrier authority.

**Notes.**—(1) This notice does not purport to be a complete description of the operating rights of the carrier involved.

(2) In MC-FC-79791, by decision of May 6, 1982, issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to COBALT CORPORATION (Cobalt), Commonly-controlled non-carrier to be renamed East Texas Motor Freight Lines, Inc. (New F TMF) at consummation, of Certificates No. MC-41432 and all issued subs thereunder of all of the operating rights of ETMF. It is contemplated that the transfer from ETMF to Cobalt will be consummated at the consummation of the acquisition by ABF Del. of ETMF, so that the carrier control of which will be acquired by ABF will then become new ETMF. Accordingly, Cobalt has joined in this application as an applicant vendor.

(3) An application for temporary authority has been filed.

(4) A directly related application under 49 U.S.C. 11301 and 11302 has been filed in Finance Docket No. 29957, *Arkansas-Best Corporation—Preferred Stock*, to authorize the issuance of 150,000 shares of its preferred

stock, redemption value \$6,500,000 to be used in the exchange.

(5) Applicant contends that while the transaction involves the elimination of existing competition between ETMF and ABF to a limited extent, the transaction will enhance competition in the field of common carriage of general freight by motor vehicle to the public benefit. To support its contention that competition would be enhanced and not reduced, ABF compares itself and ETMF with the market share of intercity motor carriers of comparable size and breadth of territorial service. ABF ranks 9th with a 3.7 percent market share. ETMF ranks 13th with a 2.6 percent market share. Together they would have a 6.3 percent market share which would rank 5th among carriers listed in a table prepared by applicants comparing 1981 individual and system revenues of principal nationwide, intercity, general commodity motor carriers. Many other carriers participate in the ETMF-ABF relevant market. ABF states that the joinder of itself with ETMF will strengthen the nationwide scope of the ABF service through economies and efficiencies which the added volume and terminal locations will provide, rather than creating a new service. A still more conservative assumption as to the relevant market for such carriers as ABF and ETMF is to limit it to the larger motor carriers on the assumption that greater size produces more direct competition. A table was comprised by applicants of the Intercity General Commodity Motor Carriers having Revenues in 1981 in excess of \$20 million, with revenues for 1980 and 1981, ranked according to size of 1981 operating revenues. The source is the carriers' annual reports for 1983 and cumulative 4th quarter reports for 1981. United Parcel, household goods carriers and all carriers classified in TRINC's as special commodity carriers are excluded. The 163 carriers included (for 1981) constitute 20% of the total number (801) of such carriers which reported in 1981. These carriers had aggregate revenues of \$14,929,030,000 in 1980 and \$16,275,956,000 in 1981. The consolidated 1980 revenues of ABF and ETMF of \$473.3 million constituted 3% of the total of this group of carriers for 1980. The consolidated 1981 revenues of ABF and ETMF of \$491.2 million in 1981 constituted 3% of the total of this group of carriers for 1980. The consolidated 1981 revenues of ABF and ETMF of \$491.2 million in 1981 constituted 3% of the group total for that year. To further show that the transaction would not be anticompetitive, applicants submitted detailed studies identifying carriers operating in competition with ABF. Since there is an abundance of competition, the transaction appears not to involve any monopoly element, and its approval at this stage would not appear to result in material anticompetitive effects.

[FR Doc. 82-17929 Filed 6-30-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-165)]

**The Alaska Railroad Co.; Exemption for Contract Tariff ICC-ARR-C-0005**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of provisional exemption.

**SUMMARY:** Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Tom Smerdon (202) 275-7277.

**SUPPLEMENTARY INFORMATION:** The Alaska Railroad Company (ARR) filed a petition on June 15, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC-ARR-C-0005 filed on June 14, 1982, to become effective June 18, 1982.<sup>1</sup> The contract involves the movement of trailers on flatcars.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The parties are currently engaged in the purchase, routing and movement of supplies to Alaska to accommodate summer construction requirements and provide inventory required for the short summer Alaska construction season. Short notice effectiveness of the contract will enable the shipper to take maximum advantage of the contract both in pricing its products and expediting their delivery. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's contract ICC-ARR-C-0005 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(e) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

**Authority:** 49 U.S.C. 10505.

By the Commission, Division 1, Commissioners Sterrett, Gilliam, and Andre. Commissioner Gilliam concurred with a separate expression.

Dated: June 25, 1982.

Agatha L. Mergenovich,  
Secretary.

**Commissioner Gilliam, concurring:** Having toured the Alaska Railroad last year and learned first-hand the environmental problems faced annually by the Alaska Railroad, I feel the exemption is fully warranted.

[FR Doc. 82-17927 Filed 6-30-82; 8:45 am]

**BILLING CODE** 7035-01-M

[Finance Docket No. 29943]

**Johnsonburg, Kane, Warren & Irvine Railway Co.—Knox & Kane Railroad Co.—Gettysburg Railroad Co.—Exemption From 49 U.S.C. 10901 and 11343**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** Under 49 U.S.C. 10505, the Interstate Commerce Commission exempts the operation by Johnsonburg, Kane, Warren & Irvine Railway Company (Johnsonburg), of certain track in Pennsylvania from prior approval under 49 U.S.C. 10901 and the common control by two individuals of Johnsonburg, Knox & Kane Railroad Co. and Gettysburg Railroad Co., from prior approval under 49 U.S.C. 11343.

**DATES:** This exemption is effective on July 1, 1982. Petitions to reopen must be filed by July 21, 1982.

**ADDRESSES:** Send pleadings to:

- (1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423;
- (2) Petitioner's representative, Daniel J. Sweeney, 1750 Pennsylvania Ave., N.W., Washington, DC 20006.

Pleadings should refer to Finance Docket No. 29943.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer (202) 275-7245.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington DC 20423; (202) 289-4357—DC metropolitan area; (800) 424-5403—Toll-free for outside the DC area.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons. Commissioner Gresham did not participate.

Decided: June 24, 1982.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-17825 Filed 6-30-82; 8:45 am]

**BILLING CODE** 7035-01-M

[Ex Parte No. 387 (Sub-161)]

**Missouri Pacific Railroad Co.; Exemption for Contract Tariffs ICC-MP-C-0076 and 0077**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of provisional exemption.

**SUMMARY:** Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariffs to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Tom Smerdon (202) 275-7277.

**SUPPLEMENTARY INFORMATION:** The Missouri Pacific Railroad Company (MP) and the Denver and Rio Grande Western Railroad Company (DRGW) filed a petition on June 11, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). Petitioners request that we permit contracts ICC-MP-C-0076 and 0077 filed on May 28, 1982, to become effective on one day's notice. The contracts involve the movement of iron ore.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The petitioner had asked for a June 16, 1982 effective date to meet the arrival of an ocean vessel. Due to the lateness of the

<sup>1</sup> Because of the lateness in filing the petition, the June 18, 1982 date could not be met.



filing of the petition, this date could not be met. There are, however, other grounds to grant an exemption. The iron ore will be moved inland from Port of Corpus Christi, Texas. The contract will enable the petitioners to use cars which had an immediately preceding southbound movement, resulting in maximum car utilization. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioners' contracts ICC-MP-C-0076 and 0077 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(e) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests are filed within 15 days of publication in the *Federal Register*.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Dated: June 24, 1982.

By the Commission, Division 1,  
Commissioners Sterrett, Gilliam, and Andre.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-17928 Filed 6-30-82; 8:45 am]

BILLING CODE 7035-01-M

#### [Ex Parte No. 387 (Sub-158)]

#### Chicago & North Western Transportation Co.—Exemption for Contract Tariff ICC-CNW-C-0183

AGENCY: Interstate Commerce  
Commission.

ACTION: Notice of provisional  
exemption.

**SUMMARY:** Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked

if protests are filed within 15 days of publication in the *Federal Register*.

**FOR FURTHER INFORMATION CONTACT:**  
Douglas Galloway (202) 275-7278.

**SUPPLEMENTARY INFORMATION:** The Chicago and North Western Transportation Company filed a petition on June 14, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC-CNW-C-0183 to become effective on one day's notice. The contract was filed to become effective on July 7, 1982 and involves silica sand.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The parties to this contract attempted to have an effective contract by May 1, 1982 which coincided with the contract's adjustment date; however, the negotiations extended beyond this period. Advancement of the effective date will assist the parties in reducing the time lag between the effective date of the contract and the agreed adjustment date provided therein. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

CNW's contract may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

Although the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(e) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to Compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests are filed within 15 days of publication in the *Federal Register*.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

By the Commission, Division 2,  
Commissioners Sterrett, Taylor, and  
Simmons.

Dated: June 25, 1982.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-17923 Filed 6-30-82; 8:45 am]

BILLING CODE 7035-01-M

#### [Ex Parte No. 387 (Sub-164)]

#### Union Pacific Railroad Co.—Exemption for Contract Tariff ICC-UP-C-0014

AGENCY: Interstate Commerce  
Commission.

ACTION: Notice of provisional  
exemption.

**SUMMARY:** Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the *Federal Register*.

**FOR FURTHER INFORMATION CONTACT:**  
Douglas Galloway (202) 275-7278.

**SUPPLEMENTARY INFORMATION:** Union Pacific Railroad Company (UP) filed a petition on June 14, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its extension notice contract ICC-UP-C-0014 and to become effective on one day's notice. The amendment will be filed upon the granting of this petition.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situation.

The petition shall be granted. Advancement of the supplement's effective date will prevent subject contract from failing by extending the contract's termination date to allow the shipper to meet certain volume requirements. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

UP's contract may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

Although the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission



of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement on this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

**Authority:** 49 U.S.C. 10505.

**Dated:** June 25, 1982.

By the Commission, Division 2,  
Commissioners Sterrett, Taylor, and  
Simmons.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 82-17922 Filed 6-30-82; 8:45 am]

**BILLING CODE 7035-01-M**

#### [Finance Docket No. 29921]

**Octoraro Railway, Inc. and Historic Red Clay Valley, Inc.—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10901, 11343 and, 11301**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Interstate Commerce Commission exempts the acquisition by Historic Red Clay Valley, Inc. (HRCV) of 10.2 miles of track of the Baltimore and Ohio Railroad Company between a point near Landenberg Junction, DE, and the end of the line at or near Hockessin, DE, and maintenance of and operations over the involved line by Octoraro Railway, Inc. from the requirements of prior approval under 49 U.S.C. 10901 and 11343. The Commission also exempts from the requirements of prior approval under 49 U.S.C. 11343 the acquisition of bridge trackage rights by Octoraro through B&O's Wilsmere Yard at Wilmington, DE. Finally, the Commission exempts the issuance of a note by HRCV to B&O from the requirements of 49 U.S.C. 11301.

**DATES:** These exemptions are effective on August 2, 1982. Petitions to stay the effectiveness of this decision must be filed by July 12, 1982. Petitions for reconsideration must be filed by July 21, 1982.

**ADDRESS:** Send pleadings to: (1) Interstate Commerce Commission,

Section of Finance, Room 5414,  
Washington, DC 20423; and (2)  
Petitioners' Representatives:

John L. Richardson, Robert R. Brinker,  
Suite 1100, 1660 L St., NW.,  
Washington, DC 20036;  
Francis G. McKenna, Suite 707, 1000  
Connecticut Ave., NW., Washington,  
DC 20036.

Pleadings should refer to Finance  
Docket No. 29921.

**FOR FURTHER INFORMATION CONTACT:**  
Louis E. Gitomer (202) 275-7245.

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; (202) 289-4357—DC metropolitan area; (800) 424-5403—Toll-free for outside the DC area.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons. Commissioner Gresham did not participate.

**Decided:** June 24, 1982.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 82-17924 Filed 6-30-82; 8:45 am]

**BILLING CODE 7035-01-M**

#### **INTERNATIONAL TRADE COMMISSION**

[Investigations Nos. 701-TA-86, 87, 92, 93, 94, 96, 97, 99, 101, 104, 105, 107, 109, 117, 119, 121, 123, 124, 128, and 138 (Final)]

**Certain Carbon Steel Products From Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and the Federal Republic of Germany; Institution of Final Countervailing Duty Investigations, and Scheduling of Hearing**

**AGENCY:** International Trade Commission.

**ACTION:** Institution of final countervailing duty investigations and scheduling of a hearing to be held in connection with the investigations.

**EFFECTIVE DATE:** June 14, 1982.

**SUMMARY:** As a result of affirmative preliminary determinations by the United States Department of Commerce that there is a reasonable basis to believe or suspect that the Governments of Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and the Federal Republic of Germany (West Germany) are providing, directly or indirectly, subsidies with respect to the manufacture, production, or exportation

of certain carbon steel products within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671), the United States International Trade Commission hereby gives notice of the institution of the following investigations under section 705(b) of the Act (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the specified merchandise:

Hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (TSUSA), from—

Belgium (investigation No. 701-TA-86 (Final)),

Brazil (investigation No. 701-TA-87 (Final)),

The United Kingdom (investigation No. 701-TA-92 (Final)), and

West Germany (investigation No. 701-TA-93 (Final));

Hot-rolled carbon steel sheet and strip, provided for in TSUSA items 607.6610, 607.6700, 607.8320, 607.8342, and 607.9400 and 608.1920, 608.2120, and 608.2320, respectively, from—

Belgium (investigation No. 701-TA-94 (Final)),

France (investigation No. 701-TA-96 (Final)),

Italy (investigation No. 701-TA-97 (Final)),

The Netherlands (investigation No. 701-TA-99 (Final)), and

West Germany (investigation No. 701-TA-101 (Final));

Cold-rolled carbon steel sheet and strip, provided for in TSUSA items 607.8320 and 607.8344 and 608.1940, 608.2140, and 608.2340, respectively, from—

France (investigation No. 701-TA-104 (Final)),

Italy (investigation No. 701-TA-105 (Final)),

The Netherlands (sheet only) (investigation No. 701-TA-107 (Final)), and

West Germany (investigation No. 701-TA-109 (Final));

Carbon steel structural shapes, provided for in TSUSA items 609.8005, 609.8015, 609.8035, 609.8041, and 609.8045, from—

Belgium (investigation No. 701-TA-117 (Final)),

France (investigation No. 701-TA-119 (Final)),

Luxembourg (investigation No. 701-TA-121 (Final)),

The United Kingdom (investigation No. 701-TA-123 (Final)), and West Germany (investigation No. 701-TA-124 (Final));

Hot rolled carbon steel bar, provided for in TSUSA items 606.8310, 606.8330, and 606.8350, from the United Kingdom (investigation No. 701-TA-128 (Final)); and

Cold-formed carbon steel bar, provided for in TSUSA items 606.8805 and 606.8815, from the United Kingdom (investigation No. 701-TA-138 (Final)).

**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert Eninger (202-523-0312) or Mr. Daniel Leahy (202-523-1369), Office of Investigations, U.S. International Trade Commission.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 25, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigations, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly subsidized imports of the subject carbon steel products from Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany. The preliminary investigations were instituted in response to petitions filed on January 11, 1982, by seven U.S. steel producers. The Department of Commerce will make its final subsidy determinations in these cases on or before August 24, 1982. The Commission must make its final injury determinations in the investigations within 120 days after the date of Commerce's preliminary subsidy determinations or by October 12, 1982 (19 CFR 207.25). A public version of the staff report containing preliminary findings of fact will be placed in the public record on August 16, 1982, pursuant to section 207.21 of the Commission's Rules of Practice and Procedure (19 CFR 207.21).

**Hearing**

The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m., e.d.t., on September 1, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on August 13, 1982. All persons desiring to appear at the hearing and make oral presentations may file prehearing briefs and should attend a

prehearing conference to be held at 10:00 a.m., e.d.t., on August 17, 1982, in Room 117 of the U.S. International Trade Commission Building. Prehearing briefs must be filed on or before August 27, 1982.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to new information. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on September 10, 1982.

**Written Submissions**

Any person may submit to the Commission a written statement of information pertinent to the subject of these investigations. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission on or before September 10, 1982. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

**Service of Documents**

Any interested person may appear in these investigations as a party, either in person or be representative, by filing an entry of appearance with the Secretary in accordance with § 201.11 of the Commission's rules (19 CFR 201.11). Each entry of appearance must be filed with the Secretary no later than July 21, 1982.

The Secretary will compile a service list from the entries of appearance filed in these final investigations and from the Commission's record in the preliminary investigations. Any party submitting a document in connection with these investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such

service shall conform with the requirements set forth in section 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

For further information concerning the conduct of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207, 44 FR 76457 as amended in 47 FR 6190 and 47 FR 12792) and Part 201, subparts A through E (19 CFR 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20).

By order of the Commission.

Issued: June 28, 1982.

Kenneth R. Mason,  
Secretary.

[FR Doc. 82-17628 Filed 6-30-82; 8:45 am]  
BILLING CODE 7020-02-M

## NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

### Meeting

June 28, 1982.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Sunday, Monday, Tuesday, and Wednesday, July 18-21, 1982. The meetings will be held in Rooms 416 and B-100, Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President and academia, business and industry, public interest organizations and State and local government, was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the

Congress setting forth an assessment, on a selective basis, of reports as may from time to time be requested by the President or Congress.

The Tentative Agenda is as follows:

**Sunday, July 18, 1982**

Page Building #1, Room 418, 2001 Wisconsin Avenue, NW., Washington, D.C.

**Panel Meeting**

9:00 a.m.-3:00 p.m.:

- Coast Guard

Chairman: Michael Naess

Topic: Work Session

**Monday, July 19, 1982**

Page Building #1, Room 418, 2001 Wisconsin Avenue, NW., Washington, D.C.

**Plenary (9:00 a.m.-12:00 p.m.)**

9:00 a.m.-9:30 a.m.:

- Announcements

9:30 a.m.-12:00 p.m.:

- Review and Approval of Weather Services Report

12:00 p.m.-1:00 p.m.:

Lunch

**Panel Meetings (1:00 p.m.-5:00 p.m.)**

1:00 p.m.-3:00 p.m.:

- Ad Hoc Ocean Dumping Room B-100

2:00 p.m.-5:00 p.m.:

- Ocean Satellites

Chairman: FitzGerald Bemiss

Topic: Ocean Research and Satellites

Speakers:

D. James Baker, University of Washington,

Satellites and Oceanography

James O'Brien, Florida State University,

Satellites and Oceanography

W. Stanley Wilson, National Aeronautics

and Space Administration

Federal Plans and Prospects for Ocean

Sensing Satellites

Sylvia Earle, NACOA Member,

Submersibles and Oceanography

5:00 p.m.:

Recess

**Tuesday, July 20, 1982**

Page Building #1, Room 418, 2001 Wisconsin Avenue, NW., Washington, D.C.

**Plenary**

8:30 a.m.-11:30 a.m.:

- Review and Approval of Fisheries Report

11:30 a.m.-12:30 p.m.:

- Law of the Sea Status

Speaker: Ted Kronmiller, Department of State, Deputy Assistant Secretary for Oceans and Fisheries Affairs

12:30 p.m.-1:30 p.m.:

Lunch

1:30 p.m.-3:30 p.m.:

**Plenary**

- Marine Transportation Report Status

- Action Items and Panel Reports

3:30 p.m.:

Adjourn Regular Meeting

**Panel Meeting**

3:30 p.m.-6:30 p.m.:

- Marine Minerals

Chairman: Burt Keenan

Topic: Work Session—Draft Report

6:30 p.m.:

Recess

**Wednesday, July 21, 1982**

Page Building #1, Room B-100, 2001

Wisconsin Avenue, NW., Washington, D.C.

**Panel Meeting Continued**

9:00 a.m.-3:00 p.m.

- Marine Minerals

Chairman: Burt Keenan

Topic: Work Session—Draft Report

3:00 p.m.:

Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Dated: June 28, 1982.

Steven N. Anastasion,

Executive Director.

[FR Doc. 82-17738 Filed 6-30-82; 8:45 am]

BILLING CODE 3510-12-M

**NATIONAL COMMISSION ON SOCIAL SECURITY REFORM**

**Meeting**

**AGENCY:** National Commission on Social Security Reform.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Commission on Social Security Reform. This notice also describes the functions of the Commission. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This is intended to notify the general public of their opportunity to attend.

**DATE:** July 19, 1982: 2:00 p.m. to 6:00 p.m.

**ADDRESS:** Room 2168A-B, Rayburn House Office Building, Washington, DC 20515.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Myers, Executive Director, 736 Jackson Place, N.W., Washington, D.C. 20503; Telephone-(202)395-5132.

**SUPPLEMENTARY INFORMATION:** The National Commission on Social Security

Reform is established by Executive Order No. 12335, dated December 16, 1981, to provide appropriate recommendations to the Secretary of Health and Human Services, the President, and the Congress on long-term reforms to put Social Security back on a sound financial footing.

The meeting of the Commission is open to the public. The proposed agenda includes:

Discussion of investment procedures of the trust funds

Discussion of various proposals for reform

Such new business as the chairman or the members may put before the Commission

Records are kept of all Commission proceedings, and are available for public inspection at the office of the Executive Director, National Commission on Social Security Reform, 736 Jackson Place, N.W., Washington, DC 20503.

Dated: June 28, 1982.

Robert J. Myers,

Executive Director.

[FR Doc. 82-17963 Filed 6-30-82; 8:45 am]

BILLING CODE 3115-01-M

**NATIONAL SCIENCE FOUNDATION**

**Subpanel for Decision and Management Science of the Advisory Panel for Social and Economic Science; Meeting**

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel for Decision and Management Science of the Advisory Panel for Social and Economic Science.

Date/Time: July 22, 1982—8:30 a.m. to 5:00 p.m.

July 23, 1982—8:30 a.m. to 5:00 p.m.  
Place: National Science Foundation, 1800 G Street, N.W., Washington, D.C., Room 421

Type of Meeting: Closed

Contact person: Dr. Trudi C. Miller, Acting Program Director, Decision and Management Science, National Science Foundation, Washington, D.C. Room 310, (202) 357-7326.

Purpose of subpanel: To provide advice and recommendations concerning support for research in Decision and Management Science.

Agenda: Closed portion: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary and confidential nature, including technical information; financial data, such as salaries; and personal

information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

**Authority to close meeting:** This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

M. Rebecca Winkler,  
Committee Management Coordinator.

June 29, 1982

[FR Doc. 82-17742 Filed 6-30-82; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL TRANSPORTATION SAFETY BOARD

### Reports, Recommendations, Responses; Availability

#### Reports Issued:

**Aircraft Accident Report—Air Florida Airlines, Inc., McDonnell-Douglas, Inc., DC-10-30CF, N101TV, Miami International Airport, Miami, Florida, September 22, 1981 (NTSB-AAR-82-3).**

#### Recommendations to:

**Federal Aviation Administration, Jun. 14, A-82-52:** Issue an Airworthiness Directive to require that Bell UH-1B and UH-1D model helicopters and Bell 204B model helicopters be inspected for evidence of fretting on or adjacent to the tail boom aft access panel and the tail boom skin and rivets at station 194, that aircraft found to have fretting or cracking be X-ray inspected for cracks in the magnesium alloy skin beneath the outer aluminum alloy skin in certain locations, that aircraft be repaired, and inspections continue to be made of aircraft on which the initial inspection disclosed no evidence of cracking.

**A-82-51:** Publish in the General Aviation Airworthiness Alert (Advisory Circular 43-16) information on failure of the Hartzell propeller A282 inner clamp bolts and the availability of a new bolt as a replacement.

**A-82-53 through -55:** Issue an Airworthiness Directive requiring tests or inspections of deicing boots on the Ratier-Figeac model FH 146 propellers to preclude failure of blades by fatigue cracking arising from localized overheating of the boot material; review, and revise if necessary, the deicing boot resistance testing procedures specified in the Ratier-Figeac maintenance manual for model FH 146 propellers to detect faults in the deicer boots which could cause localized overheating; review the design of the Ratier-Figeac model 146 propellers for compatible composition of the deicing boot, its adhesive material, and the propeller blade material in the event it is exposed to excessive heat.

**Federal Highway Administration, Jun. 14, H-82-16:** Issue an On Guard Bulletin to advise commercial vehicle owners, operators, and maintenance personnel of the correct procedures for installing spindle bearing cups into aluminum wheel hubs.

**American Trucking Associations, Inc., Jun. 14, H-82-17:** Disseminate to its membership and related organizations information about the correct procedures for installing spindle bearing cups into aluminum wheel hubs.

**National Society of Professional Engineers, Jun. 18, P-82-28:** Advise members of the circumstances of the August 25, 1981, natural gas main puncture accident in San Francisco, California, and recommend that they confirm the adequacy of their design specifications in providing adequate clearance for affected utilities through consultation with the utility operators, and that they note on their design specifications and drawings that affected utilities are to be notified at least 48 hours in advance of actual excavation, using the one-call system where available.

**American Road and Transportation Builders Association and National Utilities Contractors Association, Jun. 18, P-82-29:** Advise member construction companies of the details of the August 25, 1981, natural gas main puncture accident in San Francisco, California, and urge them not to excavate until they have notified all operators of underground utilities of their plans to excavate, using one-call service wherever it is available.

**Norfolk & Western Railway Company, Jun. 18, R-82-43 through -46:** Replace track shunt circuit switch protection that does not have series break-type circuits, with series break-type circuits; establish effective interdepartmental coordination procedures to insure that maintenance of way work involving the signal system will not result in improper functioning of the signal system; review and revise procedures governing the maintenance and tests of signals to insure that tests and inspections are performed in accordance with the Federal Railroad Administration's Rules, Standards and Instructions; enforce effective supervisory monitoring practices to seek consistent compliance with operating rules regarding switches.

**Association of American Railroads, Jun. 18, R-82-47:** Inform members of the circumstances of the November 28, 1981, accident at Crewe, Virginia, and recommend that they assess their track shunt circuit protection systems and inspection procedures, and take corrective action to prevent similar accidents.

**Federal Railroad Administration, Jun. 18, R-82-48:** Revise the appropriate regulation, within the Rules, Standards, and Instructions for signal systems, or the interpretation thereof, to require track shunt circuit switch protection to be of the series break-type circuit and require the replacement of track shunt circuit protection systems with series break-type circuits on a priority basis.

#### Recommendation Responses From:

**Secretary of Transportation, Jun. 11, H-81-88 through -92:** Federal Highway Administration has initiated a review of current practices and procedures used both by the FHWA field offices and by State and local highway agencies to develop and administer Federal-Aid resurfacing, restoration, and rehabilitation (RRR) projects and programs; the final rule will identify essential factors which must be addressed in

each State's criteria and/or procedures approved under the rule; FHWA works with States to develop and refine programming and project selection procedures and reviews annual State programs for use of Federal funds; FHWA uses information from the National Highway Performance Monitoring Study and from accident data collection and evaluation activities conducted by the States in compliance with Highway Safety Program Standards 9 and 10 to evaluate the Federal-Aid systems and all programs, including RRR, and for recommending future program revisions; majority of comments on the rulemaking support a flexible approach for the geometric design of nonfreeway, Federal-aid RRR projects rather than existing procedures and standards for new construction projects.

**Federal Aviation Administration, Jun. 11, A-81-82:** A rule requiring mandatory compliance with Detroit Diesel Allison Commercial Service Alert Bulletin CEB-A-1144 will be issued soon.

**Jun. 11, A-82-43 and -44:** FAA's Transport Airplane Certification Directorate is assessing the problems cited and the need to issue an Airworthiness Directive; the responsibility for the dissemination of a recommendation of this type is within the authority and responsibility of the Safety Board, and dissemination to foreign airworthiness authorities of Safety Board recommendations which specifically call for this type of action is inappropriate for the FAA.

**Jun. 11, A-81-155 and -156:** Student evaluations and course grades at the FAA Academy are considered in assignments to towers; for en route center assignments, the new hire is assigned prior to being sent to the Academy; reviewing Technical Appraisal Program to seek ways to increase the frequency of evaluation; a mandatory "Tape Talk" program allows supervisors/evaluators to record and discuss samples of individual controller performance periodically; first-line supervisor in day-to-day observation conducts a continuous controller evaluation of situations which occur in the actual operational environment; recently issued new performance measures that identify performance standards and establish new measures for controller performance.

**Jun. 11, A-82-34 through -37:** Issue Emergency Airworthiness Directive T82-08-51 on April 9, 1982; a team from the Aircraft Certification Division will review the fluorescent penetrant inspection procedures, and inspectors for the Flight Standards Division will review the application of these procedures; a team will review the original certification of the CF6-50 high-pressure turbine rotor; transmitted a telegraphic message on April 6, 1982, to foreign authorities of known registration applicable to CF6-50 engines, General Electric Company, FAA facilities, U.S. air carriers using CF 6-50 engines, U.S. military, and other interested groups.

**Jun. 18, A-78-57:** There is not enough evidence that lower extremity protection is needed and there is no data on which to base test criteria.

**Jun. 18, A-81-26 through -28:** The probability of jamming a single-handle latching system in an accident is a significant factor higher than the probability for such an occurrence with a two-handle design; an exterior door that

opens easily is a prime candidate for inadvertent opening in flight; available data do not adequately support this recommendation either in Part 23 or retroactively in Part 91; has established a project to update regulations to include special conditions that exist for small airplanes and are considered broadly applicable; will consider the need for placing directions for opening on all external doors and emergency exits that are openable from the outside. *Jun. 31, A-74-103:* Concluded that the proposal would have imposed financial burdens on the public not commensurate with an increase in safety. *Jun. 21, A-82-30:* Does not concur in the necessity and feasibility of the proposal.

*Pennsylvania Department of Transportation, Jun. 8, H-82-4:* The activities proposed for an "Operation Lifesaver" program would not address the majority of accidents occurring at grade crossings in Pennsylvania; a specific grade crossing educational effort aimed at those transporting hazardous materials could be implemented through State's existing activities without implementation of a general "Operation Lifesaver" program.

*Association of American Railroads, Jun. 11, R-81-48 through -51:* The practice of the head end crew communicating to the conductor the aspects of fixed signals has limited value and might be counterproductive; will not urge member companies to expand the use of recorders, but will disseminate information so that they will be aware of the Board's position. *Jun. 21, I-82-1 through -4:* Suggestions from technical committees of the AAR are being solicited.

*National Railroad Passenger Corporation (Amtrak), Jun. 22, R-81-57 through -60:* Concludes that locking devices on rotating seats rather than skirts will minimize leg injuries; much equipment has been retrofitted or ordered with locking devices on rotating seats; collision posts in RTL power car 155 meet or surpass all requirements, and are properly welded to the floor I-beam.

*Interstate Natural Gas Association of America, Jun. 21, P-82-19:* Forwarded the recommendation to members.

*Pacific Gas and Electric Company, Jun. 21, P-82-1 through -3:* Is directing special attention to training in the locating and operation of emergency shutdown valves; initiated action to verify the completeness, accuracy, and legibility of all shutdown drawings, plat sheets, and wall maps used for the emergency isolation and shutdown of designated sections of the gas system; instructed division gas superintendents to initiate a procedure to make a positive determination that valves installed to isolate emergency shutdown zones are in good working order.

**Note.**—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to reports call 703-487-4630. Single copies of recommendation letters (identified by recommendation number) and response letters are free on written request to: Public

Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

H. Ray Smith, Jr.,

*Federal Register Liaison Officer.*

July 1, 1982.

[FR Doc. 82-17990 Filed 6-30-82; 8:45 am]

BILLING CODE 4910-58-M

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-237 and 50-249]

### Commonwealth Edison Co. (Dresden Nuclear Power Station, Units 2 and 3); Exemption

I

The Commonwealth Edison Company (CECo/the licensee) is the holder of Provisional Operating License No. DPR-19 and Facility Operating License No. DPR-25 (the licenses) which authorize operation of the Dresden Nuclear Power Station, Units 2 and 3, respectively, located in Grundy County, Illinois, at steady state reactor core power levels not in excess of 2527 megawatts thermal (rated power). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Appendix J was published on February 14, 1973 and in August 1975, each licensee was requested to review the extent to which its facility met the requirements.

On September 28, 1975, Commonwealth Edison Company (CWE but now referred to as CECo) submitted its evaluation of the Zion Station Unit Nos. 1 and 2, Dresden Station Unit Nos. 1, 2, and 3, and Quad Cities Station Unit Nos. 1 and 2 in which it assessed compliance with the rule and also requested an exemption from certain requirements of the rule. This Exemption addresses only the Dresden Nuclear Power Station, Units 2 and 3. The CECo submittal for the Dresden Nuclear Power Station Units 2 and 3 was supplemented by letters dated September 9, 1976 and April 5, 1977. In these submittals, CECo requested that certain test sequences

and methodology, components, and penetrations be exempted from Appendix J requirements. The Franklin Research Center, as a consultant to NRR, has reviewed the licensee's submittals and prepared a Technical Evaluation Report (TER) of its findings the NRC staff has reviewed this TER and in its Safety Evaluation Report dated June 25, 1982. The staff has concurred in the TER's bases and findings with the exception of Item 4 below, which required additional staff evaluation prior to determining the acceptability of the licensee's request.

The exemption requests found to be acceptable are as follows:

1. Section III.A.1.(a) of Appendix J requires, in part, that the Type A test be performed as close as practical to the "as is" condition. When excessive leakage paths are identified during the Type A test, the test is to be terminated and leakage through such paths is to be measured by local leakage rate procedures. After repair or adjustment, a subsequent Type A test is performed.

CECo requested an exemption from this requirement in order to perform local valve leakage rate tests (Type C tests) prior to the integrated primary containment leakage rate test (Type A test) and to back-correct the results of the Type A test with the results of the Type C tests. CECo submitted its methodology and justification that performance of the test sequence in this manner would yield conservative results.

We have reviewed CECo's submittals and have concluded that the licensee's methodology will yield conservative results under certain conditions. Therefore, the licensee's request for exemption from the required sequence of conducting Type A and C tests is acceptable, provided that:

a. When performing Type C tests, the conservative assumption that all measured leakage is in a direction out of the containment is applied, unless the test is performed by pressurizing between the isolation valves; and,

b. When performing Type C tests by pressurizing between the isolation valves, the conservative assumption that the two valves leak equally is applied, where the isolation valves are shut by normal operation without preliminary exercising or adjustment.

2. Section II.4.1 of Appendix J requires, in part, Type C testing of containment isolation valves which provide a direct connection between inside and outside atmospheres of the primary reactor containment under normal operation. CECo requested an exemption from this requirement in

order to exclude certain instrument line manual isolation valves from the Type C test requirements and submitted certain design information as justification.

We have reviewed the licensee's submittals and have determined that the instrument line manual isolation valves are not instrument valves which provide a direct connection between the inside and outside atmospheres of the primary reactor containment under normal operation. In addition, the instrument lines were installed in accordance with Regulatory Guide 1.11, Instrument Lines Penetrating Primary Reactor Containment.

Since these valves remain open in both normal and accident conditions, the licensee's request for exemption from Type C test requirements for the instrument line manual isolation valves is acceptable, provided that the affected instrument lines are not isolated from the containment atmosphere during the performance of a Type A test.

3. Section III.C.2 of Appendix J requires, in part, that Type C testing be performed at the peak calculated accident pressure (Pa). CECO requested an exemption from this requirement for the Main Steam Isolation Valves (MSIVs) to permit testing at 25 psig rather than at Pa (48 psig) and submitted certain design information as justification.

The MSIVs are leak tested by pressurizing between the valves. The MSIVs are angled in the main steam lines in the direction of flow in order to afford better sealing upon closure. Consideration of this feature was included at the design stage of the facility when the original test pressure of 25 psig was established. A test pressure of Pa acting under the inboard disc is sufficient to lift the disc off its seats, and results in excessive leakage into the reactor vessel.

We have reviewed the licensee's submittals and have concluded that testing of the MSIVs at a reduced pressure of 25 psig will result in a conservative determination of the leakage rate through the MSIVs and, therefore, the proposed exemption is acceptable.

4. Section III.D.2 of Appendix J requires, in part, that Type B tests be performed on containment airlocks at six-month intervals at a test pressure of not less than Pa. CECO requested an exemption from the frequency requirement in order to permit testing on a schedule consistent with the plant operating cycle (i.e., each refueling outage). CECO also requested an exemption to conduct the tests at a reduced pressure. This latter request was denied by the staff based on the

need to periodically demonstrate airlock integrity at accident pressure.

Our contractor's evaluation of the licensee's submittals concluded that the licensee's program related to test frequency and pressure should conform to the requirements of Section III.D.2 of Appendix J. However, subsequent discussions with the licensee regarding test methodology and additional evaluation by us of airlock degradation causal factors and operating history have resulted in a reevaluation of our position. The staff agrees with the licensee that without this exemption from the Appendix J requirements, the plant would have to be shutdown and the equipment hatch opened in order to install a strongback on the inner airlock door to perform the test, and subsequent door and hatch openings to remove it. This would result in an outage of several days for the licensee, the cost of replacement power to the public, and could subject operating personnel to additional radiation exposure. In addition, the additional openings of the equipment hatch and airlock provide additional opportunities for inadvertent seal degradation.

As a result, the staff has reevaluated the six-month test requirement and has developed a revised position which is believed to meet the objectives of Appendix J requirements for containment airlock door tests. This revised position still requires the containment airlock to be tested at six-month intervals at a pressure of Pa in accordance with Appendix J, except that this test interval may be extended up to the next refueling outage (up to a maximum interval between Pa tests of 24 months) if there have been no airlock openings since the last successful test at Pa and a Pa test is performed following the next airlock opening. The intent of the Appendix J requirement is to assure that the airlock door seal integrity is maintained and no degradation has occurred as a result of opening of the airlock doors between testing intervals at Pa. Since there is an inadequate basis to conclude that no airlock seal degradation occurs if the airlock doors have not been opened between extended testing intervals at Pa, we believe that a reduced pressure test or testing between seals every six months should be performed to assure that the airlock door seal integrity is maintained between the extended testing intervals at Pa. We believe this position satisfies the objectives of the requirements. The licensee will be requested to propose appropriate modifications to the Technical Specifications.

Therefore, the exemption from the airlock testing frequency requirement of

Appendix J requested by the licensee should be granted provided the licensee complies with the staff's revised position on airlock testing.

### III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption requests:

1. Exemption is granted from the requirements of Section III.A.1(a) of Appendix J pertaining to the sequence for conducting Type A and Type C tests provided that:

a. When performing Type C tests, the conservative assumption that all measured leakage is in a direction out of the containment is applied unless the test is performed by pressurizing between the isolation valves; and,

b. When performing Type C tests by pressurizing between the isolation valves, the conservative assumption that the two valves leak equally (and therefore one half of the measured leakage is in a direction out of the containment) is applied, where the isolation valves are shut by normal operation without preliminary exercising or adjustment.

2. Exemption is granted from the requirements of Section II.H.1 of Appendix J pertaining to the Type C testing of instrument lines provided that the affected instrument lines are not isolated from the containment atmosphere during the performance of a Type A test.

3. Exemption is granted from the requirements of Section III.C.2 of Appendix J pertaining to the Type C testing of the main steamline isolation valves at a test pressure of Pa. Testing at a reduced pressure of 25 psig is acceptable due to the unique design of the valves.

4. Exemption is granted from the requirements of Section III.D.2 of Appendix J pertaining to the test frequency for conducting Type B tests at six-month intervals at a test pressure of not less than Pa. The test interval may be extended to the next refueling outage, but in no case shall exceed 24 months from the last test at Pa, provided that there have been no airlock openings since the last successful test at Pa and a Pa test is performed following the next airlock opening. A reduced pressure test or testing between seals every six months shall be performed to assure that airlock door seal integrity is



maintained between extended testing intervals at Pa.

The NRC staff has determined that the granting of these exemptions will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland, this 25th day of June 1982.

For the Nuclear Regulatory Commission,  
**Darrell G. Eisenhut,**  
*Director, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 82-17952 Filed 6-30-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

#### **Duquesne Light Co. etc.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment grants a temporary waiver of the accuracy requirements for the rod position instrumentation when the plant is below normal power operating temperatures.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for

amendment dated June 18, 1982, (2) Amendment No. 52 to License No. DPR-66, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of June, 1982.

For the Nuclear Regulatory Commission,  
**Steven A. Varga,**  
*Chief, Operating Reactors Branch No. 1, Division of Licensing.*

[FR Doc. 82-17953 Filed 6-30-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

#### **Iowa Electric Light & Power Co. et al.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (The Commission) has issued Amendment No. 77 to Facility Operating License No. DPR-49 issued to Iowa Electric Light & Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center (DAEC), located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specification to incorporate a detailed definition of the terms Operable and Limiting Conditions for Operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need

not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 17, 1980, (2) Amendment No. 77 to License No. DPR-49 and (3) the Commission's letter to Iowa Electric Light & Power Company dated June 21, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of June 1982.

For the Nuclear Regulatory Commission,  
**Domenic B. Vassallo,**  
*Chief, Operating Reactors Branch No. 2, Division of Licensing.*

[FR Doc. 82-17954 Filed 6-30-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-482 OL]

#### **Kansas Gas & Electric Co., et al. (Wolf Creek Generating Station, Unit 1); Assignment of Atomic Safety and Licensing Appeal Board**

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Alan S. Rosenthal, Chairman  
Dr. John H. Buck  
Thomas S. Moore

Dated: June 25, 1982.

**Jean Shoemaker,**  
*Secretary to the Appeal Board.*

[FR Doc. 82-17955 Filed 6-30-82; 8:45 am]

BILLING CODE 7590-01-M

#### **Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Radiological Effects; Meeting**

The ACRS Subcommittee on Reactor Radiological Effects will hold a meeting on July 20, 1982 in Room 1046, 1717 H Street, N.W., Washington, DC. The Subcommittee will listen to presentations and discuss PWR plant radiation exposure experience and measures for reducing the exposures.

In accordance with the procedures



outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

*Tuesday, July 20, 1982—8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, industry and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. John C. McKinley or the Staff Engineer, Ms. R. C. Tang (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 28, 1982.

John C. Hoyle,

*Advisory Committee Management Officer.*

[FR Doc. 82-17957 Filed 6-30-82; 8:45 am]

BILLING CODE 7590-01-M

#### **Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Cancellation of Meeting**

The ACRS Subcommittee meeting on Reliability and Probabilistic Assessment scheduled for July 7, 1982, which was published in the **Federal Register** on June 18, 1982 (FR 47 26481), has been cancelled.

Dated: June 28, 1982.

John C. Hoyle,

*Advisory Committee Management Officer.*

[FR Doc. 82-17956 Filed 6-30-82; 8:45 am]

BILLING CODE 7590-01-M

## **OFFICE OF MANAGEMENT AND BUDGET**

### **Office of Federal Procurement Policy**

#### **Government-wide Debarment, Suspension, and Ineligibility**

June 24, 1982.

**AGENCY:** Office of Management and Budget, Office of Federal Procurement Policy.

**ACTION:** Policy letter.

**SUMMARY:** This Policy Letter, issued pursuant to 41 U.S.C. 405, sets forth in Appendix A the Government-wide policies and procedures for debarment and suspension of Government contractors and provides for a consolidated listing of administrative debarments and suspensions. In addition, it provides for a listing of contractors that have been declared ineligible pursuant to statutory authority, Executive orders or other regulatory authorities, but does not set forth the policies and procedures to be followed for such actions.

Amendments to the Federal Procurement Regulations, the Defense Acquisition Regulation, and the National Aeronautics and Space Administration Procurement Regulation will be made in order to implement this Policy Letter. Agencies may also adopt procedures which are not inconsistent with the policies and procedures contained in Appendix A to the Policy Letter in order to permit agency review of the decisions of debarment and suspending officials.

Appendix A to the Policy Letter will be included as subpart 9.4 of the Federal Acquisition Regulation (FAR) at the time of its adoption.

**EFFECTIVE DATE:** August 30, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Patricia A. Szervo, Associate Administrator for Procurement Law and Legislation, 202/395-3501

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Office of Federal Procurement Policy's (OFPP) request for comments on proposed OFPP Policy Letter 81-3 was published in 46 FR 37832 on July 22, 1981. Amendments to the proposed Policy Letter relating to the disposition of cases during the period of transition to the new procedures were published in 46 FR 45456 on September 11, 1981. More than 600 comments were received in response to those requests.

The General Accounting Office has participated in formulating this Policy Letter and will cooperate in its implementation. In order that the General Service Administration's

consolidated list of debarred, suspended and ineligible contractors be complete, the Comptroller General has agreed to provide the General Services Administration expeditiously with the quarterly edition of the "Consolidated List of Persons or Firms Currently Debarred for Violation of Various Public Contracts Incorporating Labor Standards Provisions" (commonly referred to as the "Comptroller General's Debarred Bidders List") and the semi-monthly supplements to the list. The Comptroller General has also agreed to provide the General Services Administration with the information required to be furnished by executive branch agencies under subsection 5(b) of Appendix A with respect to contractors which it has debarred or suspended.

#### **Significant Changes in the Policies and Procedures Set Forth in Appendix A of the Policy Letter**

The policies and procedures governing debarment and suspension are set forth in Appendix A to the Policy Letter.

a. *Paragraph 1* has been revised to make it clear that ineligible contractors will be included in the consolidated listing, but that the determinations of ineligibility will not be made pursuant to the Policy Letter.

b. *Paragraph 2* specifically states that the Policy Letter does not apply to recipients of Federal assistance.

c. The general policy statements contained in *paragraph 3* remain unchanged, except that "drastic" has been changed to "serious" in *paragraph 3(b)*.

d. *Paragraph 4* was changed in order to clarify some of the definitions, to include the definition of "ineligible," and to conform the definitions to the text of the policies and procedures.

e. *Paragraph 5* provides for a central reference for debarment and suspension actions taken by agencies. All administrative debarment and suspensions and all determinations of ineligibility will be published in a consolidated list, which be compiled, maintained, and distributed by GSA. Agencies are not prohibited from maintaining their own lists, but they are expect to rely on the consolidated list.

f. *Paragraph 7* was restructured to state more logically the procedures to be followed in debarment. It covers general principles, causes for debarment, procedures, period of debarment, and scope of debarment.

g. *Subparagraph 7.1* provides the debarring official with guidance on factors to consider in deciding whether to debar a contractor. This guidance is

intended to avoid having the decisionmaking become purely mechanical.

The subparagraph also provides for debarment of an entire company unless the debarment order limits the debarment to specific divisions, organizational elements, or commodities of the company. It also provides affiliates an opportunity to challenge the underlying causes for debarment, rather than just challenging their status as affiliates. Finally, the subparagraph restricts another agency from doing business with debarred contractors, unless the agency determines that there are compelling reasons for doing so.

h. The causes for debarment listed in subparagraph 7.2 have been expanded to include both criminal and civil judgments for the offenses listed in subparagraph 7.2 (a). Subparagraph 7.2(b) has been revised to permit consideration of all acts or omissions when making a decision to debar based upon the causes stated in 7.2 (b). When making a determination to debar under either subparagraph 7.2 (a) or (b), it is now clear that evidence of a contractor's lack of responsibility in the past may be considered when determining whether a contractor is presently responsible.

i. Subparagraph 7.3 sets forth the basic procedures which an agency must follow when making a debarment decision. It covers investigation and referral of matters which could lead to debarment, as well as setting forth the procedures governing the debarment decisionmaking process. Each agency is required to establish decisionmaking procedures which are as informal as possible, consistent with the principles of fundamental fairness. The agency procedures afford the contractor notice, an opportunity to submit information and argument in opposition to the proposed debarment, and to contest issues of disputed material fact, and, in certain instances, afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses and confront agency witnesses. The subparagraph also sets forth the form of notice which must be given to a contractor and any specifically named affiliates and requires that the cause for debarment be established by a preponderance of the evidence if it is not based upon criminal conviction or civil judgment.

j. Subparagraph 7.4 covers the period of debarment, which does not generally exceed 3 years. Agencies may provide for longer periods for debarment if circumstances so warrant. The agency may extend an existing debarment if necessary to protect the Government's

interests; however, the same procedures used for debarment must be followed to extend the debarment period. The debarment official may also reduce the period of debarment for reasons set forth in the subparagraph.

k. The scope of debarment is determined under subparagraph 7.5. The subparagraph also describes when improper conduct may be imputed to a contractor or one of his representatives.

l. Paragraph 8 was restructured. It covers general principles, causes for suspension, procedures, period of suspension, and scope of suspension.

m. Paragraph 8 of the July 22, 1981, draft version of the proposed Policy Letter was deleted. It covered limited debarments and suspensions.

n. The transition provisions proposed as paragraph 9 in the September 11, 1981, Federal Register amendments to the Policy Letter are now covered in the body of the Policy Letter.

#### Comments

The comments received were considered by an intergovernmental task force on debarment and suspension, which was made up of legal and procurement specialists from various Federal departments and agencies. The final version of Appendix A of the Policy Letter reflects a number of the recommendations contained in the comments.

a. *OFPP's Authority.* OFPP's authority to require Government-wide debarment and suspension was questioned in some of the comments.

Authority to promulgate policy requiring Government-wide debarment and suspension of contractors is derived from OFPP's organic statute. The Administrator for Procurement Policy is required by the Act to provide overall leadership in developing and implementing procurement policies. He is also authorized to issue policy directives in order to promote the policies set forth in the Act, one of which is the development of a system of simplified and uniform procurement policies and procedures. Agencies are required to follow the policy directives. This Policy Letter is promulgated in furtherance of those objectives.

Authority to debar and suspend contractors is derived from the agencies' inherent procurement authority and the need to contract only with responsible contractors.

b. *Government-wide effect of debarments and suspensions.* A number of comments from the private sector disagreed with the automatic Government-wide effect of debarments and suspensions or recommended that

additional procedural safeguards be provided.

Government-wide application of debarment and suspension is one of the basic purposes of the Policy Letter. It is inconsistent that a contractor who has been debarred or suspended by one agency can continue to do business with other agencies. This Policy Letter will remedy the inconsistency by providing that a contractor who is not responsible to do business with one agency is not responsible to do business with any agency.

The Policy Letter provides adequate procedural safeguards for the contractor. At the same time, it allows a department or agency to enter into a contract with a debarred or suspended contractor if the agency head determines that compelling reasons justify such action.

c. *Company-wide effect of debarments and suspensions.* A number of the commentators recommended that the company-wide effect of debarments and suspensions be limited, either by restricting the circumstances in which company-wide debarments and suspensions were applied or by providing for additional procedural safeguards in those actions.

Debarment and suspension will usually be applied company-wide; however, the contractor may submit information to support limiting application of the debarment or suspension to specific parts of the company. The debarment and suspending official must not be so restricted that he cannot exercise the discretion to deal with the variety of organizational forms and styles adopted by modern businesses. The burden of convincing the debarment or suspending official that a particular affiliate or sub-unit of a non-responsible company presents no risk to Federal interests is placed, appropriately, on the contractor. The debarment or suspending official has discretion to include or exclude the contractor's organizational elements from the debarment or suspension action. Guidance is provided in Appendix A.

Subparagraphs 7.1.b. and 8.1.c. of Appendix A were modified, however, to allow a contractor's affiliate to challenge the basis for its debarment or suspension, rather than only challenging its status as an affiliate.

d. *Evidentiary standards for debarment and suspension.* A number of comments disagreed with the use of "substantial evidence" as the standard necessary to support a debarment decision.

The Task Force agreed that "substantial evidence" was not the appropriate standard for debarment and substituted "preponderance of the evidence." The definitions and applicable procedures have been changed accordingly.

However, "adequate evidence" has been retained as the appropriate standard for suspension, because it is a court-sanctioned standard now used in suspension proceedings. The definition of "adequate evidence" has been rewritten in order to remove the element of speculation from the definition.

e. *Causes for debarment.* Some commentors felt that the causes for debarment were either too vague or did not establish a nexus between the alleged wrongful act and the determination that the contractor lacks the present responsibility necessary to do business with the Government.

The grounds for debarment are intentionally not specific. It would not be possible to enumerate all factors which reflect on a contractor's responsibility and which may be viewed as a reasonable basis for debarment. It is necessary that an element of discretion remain with the debarring official.

Subparagraph 7.1(a) has been expanded to provide guidance to debarring officials by stating that they should consider mitigating factors in deciding whether to debar a contractor. This additional guidance, when read as part of the entire Policy Letter, provides debarring officials with the necessary standards to reach a reasonable decision.

The objective of Appendix A is to assure that Government agencies do not deal with non-responsible business concerns. The concept of business responsibility is one which is well understood in the Government contracting community. Evidence of a contractor's lack of responsibility in the past may be considered when determining whether or not a contractor is presently responsible. The implication in the comments that the determination of responsibility covers something other than present responsibility is an unwarranted reading of the Policy Letter.

These commentors were also concerned that debarment would be used to punish contractors for past transgressions. Debarment is not a form of punishment for Government contractors; it is a procedure which must be available to the Government in order to protect its interests from non-responsible contractors.

f. *Procedures.* There were a number of comments addressing the procedures.

The Policy Letter provides fundamental due process for contractors. Contractors are given notice of the debarment or suspension action, the grounds for such action, an opportunity to submit information in opposition to it, and, in certain instances, an opportunity to appear with counsel, submit documentary evidence, present witnesses and confront any person the agency presents. Nevertheless, as a result of the comments made, the procedures contained in subparagraphs 7.3 and 8.3 were refined.

Some comments suggested that there be a separate board to make debarment and suspension decisions. The guidelines and procedures for making debarment and suspension decisions are specific enough and the official making the decision is at a high enough level in the agency that contractors will be afforded the fairness and objectivity called for in these types of proceedings.

g. *De facto debarments and suspensions.* "De facto" debarment and suspension was raised in a number of comments from the private sector.

This is an issue for the courts to determine on a case-by-case basis and is not addressed in the Policy Letter.

h. *Nolo contendere pleas.* A number of commentors objected to using a conviction based on a *nolo contendere* plea as the basis for debarment. Their contention is that the Federal Rules of Evidence bar use in a civil action of a conviction based on a *nolo contendere* plea as evidence of the facts in question; therefore, they feel that a *nolo contendere* plea should not be used to prove the facts giving rise to the debarment.

The task force rejected this contention. The fact of a conviction itself has a significant bearing on a contractor's present responsibility. If a contractor has been convicted based upon a *nolo contendere* plea, he already has received notice of the charge against him, has had an opportunity to defend himself against the charge, and has waived that opportunity under circumstances potentially more serious than a debarment or suspension action. The purpose of this Policy Letter is to afford the contractor notice of and an opportunity to refute the charges against him; however, if the contractor has been afforded this opportunity already and has refused to act upon it, as in a *nolo contendere* plea, no purpose would be served in having the Government duplicate its efforts. (Furthermore, the Rules of Federal Evidence do not apply to these proceedings.)

i. *Definitions.* There were a number of comments addressing various terms in paragraph 4, *Definitions*.

—"Adequate evidence" was changed to assure that the suspending official has *reasonable* belief that the act or omission has occurred, rather than using the more speculative standard that an act or omission "may have occurred."

—"Affiliates" was simplified to emphasize the control aspect of the relationship.

—"Contractor" has been simplified; the deleted material is covered under 7.5 "Scope of Department."

—"Debarment" was modified to eliminate possible confusion caused by combining in one term debarments arrived at under procedures laid out in the Policy Letter and those arrived at under procedures established pursuant to statutory authority, Executive orders, or other regulatory authorities for debarring a contractor or otherwise finding him "ineligible" for Government contracts.

—"Ineligible" has been defined in paragraph 3.4, and is used throughout the Policy Letter to refer to determinations of ineligibility under statutory authority, Executive orders, or other regulatory authorities.

—"Legal proceedings" was changed in order to remove the qualification that only criminal proceedings brought by the United States could be grounds for suspension. State-initiated criminal proceedings may also be grounds for suspension. The change also makes it clear that civil proceedings relied upon as the basis for suspension need not be limited to those *initiated* by the Federal Government, so long as the Federal Government is a party.

j. *Exclusion of grants and assistance programs.* Some of the agencies recommended that the scope of Appendix A be expanded to include debarment and suspension of participants in grants and assistance programs.

The policy coverage on debarment and suspension only applies to contractors; however, agencies may wish to adapt the procedures to their dealings with recipients of Federal grants and assistance programs. Determinations of ineligibility are not limited to contracts if they would be otherwise applicable to grants and assistance programs.

k. *Interagency agreements.* Because of staff and budgetary constraints and a low volume of procurement actions, an agency may wish to enter into an agreement to have its debarment and

suspension actions conducted by another agency. Such agreements are not encouraged, but they are not prohibited by these policies.

#### Other Information

The following matters were considered by the Task Force and found inappropriate for inclusion in the text of Appendix A. However, they are discussed as guidance to the agencies.

##### a. *Interagency coordination.*

Debarment or suspension of a concern or individual by one agency can have an adverse impact on the operations of other agencies. If it appears that there is the potential for an adverse impact on other agencies, the cognizant debarring or suspending official should solicit the comments of those agencies before taking action. If several agencies independently are contemplating a debarment or suspension action against the same contractor, consideration should be given to designating one agency as the lead agency for making the decision. Because of the significant need for interagency coordination, the major procurement agencies should establish a vehicle for exchange of information and efficient administration of debarment and suspension actions.

*Withholding payments.* If the debarred or suspended contractor has existing contracts with the agency, it often is appropriate to withhold payments under those contracts in order to recover funds paid on other contract as a result of fraud or misconduct. Withholding payments and other common law remedies are effective methods of protecting the Government's interest; appropriate use of such remedies should be the rule rather than the exception.

*Contractor certification.* Agency comments included a recommendation that Appendix A require certification by contractors that they are not debarred, suspended or otherwise ineligible to receive Government contracts. This recommendation was considered, but not included. Should an agency decide to require a certification in its contract, there is nothing in the Appendix to prohibit it.

*b. Equal Access to Justice Act.* The Equal Access to Justice Act does not apply to these procedures.

*c. Administrative Procedure Act.* The procedures set forth in the Appendix are not subject to the Administrative Procedure Act.

*d. Qualifications of Debarring and Suspending Officials.* It will be the responsibility of each agency head to designate an official within the agency to be the debarring and suspending official. Although this appointment is a

matter of agency discretion, the official appointed shall be experienced in the procurement process and have sufficient authority in the agency to be able to exercise independent judgment when making a debarment or suspension determination.

Donald E. Sowle,  
*Administrator.*

[Policy Letter No. 82-1]

To the Heads of Executive Departments and Establishments:

Subject: Policy Guidance Concerning Government-wide Debarment, Suspension, and Ineligibility  
June 24, 1982.

Government procurement policy should be uniform and consistent in application. Therefore, this Policy Letter sets forth as Appendix A the policies and procedures governing debarment and suspension of contractors throughout the executive branch and provides for a consolidated list of debarred, suspended, and ineligible contractors.

Contractors who have already been debarred, suspended or declared ineligible as of the effective date of this Policy Letter shall be included in the consolidated list, with an annotation explaining the scope of the exclusion already imposed. That exclusion shall not apply throughout the entire executive branch unless the statutory or regulatory authority upon which it was based required that effect. However, an agency is not prohibited from also debarring or suspending a contractor so listed if the debarment or suspension is based on other grounds. If such a debarment or suspension occurs after the effective date of (and pursuant to) this Policy Letter, it shall apply throughout the entire executive branch and the annotation denoting the limited scope of exclusion shall be removed from the list.

If debarment proceedings have been initiated but no decision has been made before the effective date of this Policy Letter, the debarring official shall issue an amended notice of proposed debarment to the contractor (a) advising the contractor that if debarment is imposed it will be effective throughout the entire executive branch and (b) permitting the contractor 30 days in which to submit any additional information that the contractor considers appropriate in light of the effect of a Government-wide debarment. Agencies shall employ the procedures set forth in this Policy Letter in making their final determinations.

*Effective Date.* This Policy Letter is effective August 30, 1982, and shall remain in effect until implemented by the Federal Acquisition Regulation.

*Concurrence.* This Policy Letter has the concurrence of the Director of the Office of Management and Budget.

Donald E. Sowle,  
*Administrator.*

#### Appendix A—Debarment, Suspension, and Ineligibility

##### 1. *Scope.* (a) This policy letter—

(1) Prescribes policies and procedures governing the debarment and suspension of contractors by agencies for the causes given in subsections 7.2 and 8.2;

(2) Provides for the listing of these debarred and suspended contractors, and of contractors declared ineligible (see the definition of "ineligible" in section 4); and

(3) Sets forth the consequences of this listing.

(b) This policy letter does not prescribe policies and procedures governing declarations of ineligibility. However, it does cover the listing of ineligible contractors (section 5) and the effect of this listing (section 6).

2. *Applicability.* This policy letter does not apply to recipients of Federal assistance.

3. *Policy.* (a) Agencies shall solicit offers from, award contracts to, and consent to subcontracts with responsible business concerns and individuals only. Debarment and suspension by agencies are discretionary actions that, taken in accordance with this policy letter, are appropriate means to effectuate this policy.

(b) The serious nature of debarment and suspension requires that these sanctions be imposed only in the public interest, for the Government's protection and not for purposes of punishment. Agencies shall impose debarment or suspension to protect the Government's interest and only for the causes and in accordance with the procedures set forth in this policy letter.

(c) Agencies shall establish appropriate procedures to implement the policies and procedures of this policy letter.

4. *Definitions.* "Adequate evidence" means information sufficient to support the reasonable belief that a particular act or omission has occurred.

"Affiliates." Business concerns or individuals are affiliates if, directly or indirectly, (a) either one controls or can control the other or (b) a third controls or can control both.

"Agency," as used in this policy letter, means any executive department, military department or defense agency, or other agency or independent establishment of the executive branch.

"Consolidated list of debarred, suspended, and ineligible contractors" means a list compiled, maintained, and distributed by the General Services Administration, in accordance with section 5, containing the names of contractors debarred or suspended by agencies under the procedures of this policy letter, as well as contractors declared ineligible under other statutory or regulatory authority.

"Contractor," as used in this policy letter, means any individual or other legal entity that: (1) Submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a Government contract or a subcontract under a Government contract; or (2) conducts business with the Government as an agent or representative of another contractor.

"Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a

conviction entered upon a plea of nolo contendere.

"Debarment," as used in this policy letter, means action taken by a debarment official under section 7 to exclude a contractor from Government contracting for a reasonable, specified period; a contractor so excluded is "debarred."

"Debarment official" means (a) an agency head or (b) a designee authorized by the agency head to impose debarment.

"Indictment" means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

"Ineligible," as used in this policy letter, means excluded from Government contracting (and subcontracting, if appropriate) pursuant to statutory, Executive order, or regulatory authority other than regulations implementing this policy letter; for example, the Davis-Bacon Act and its related statutes and implementing regulations, the Service Contract Act, the Equal Employment Opportunity Acts and Executive orders, the Walsh-Healey Public Contracts Act, the Buy American Act, and the Environmental Protection Acts and Executive orders.

"Legal proceedings" means any civil judicial proceeding to which the Government is a party or any criminal proceeding. The term includes appeals from such proceedings.

"Preponderance of the evidence" means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

"Suspending official" means (a) an agency head or (b) a designee authorized by the agency head to impose suspension.

"Suspension," as used in this policy letter, means action taken by a suspending official under section 8 to disqualify a contractor temporarily from Government contracting; a contractor so disqualified is "suspended."

5. *Consolidated list of debarred, suspended, or ineligible contractors.* (a) The General Services Administration (GSA) shall—

(1) Compile and maintain a current, consolidated list of all contractors debarred, suspended, or declared ineligible by agencies or by the General Accounting Office;

(2) Revise and distribute the list quarterly and issue monthly supplements to all agencies and the General Accounting Office; and

(3) Provide with the list the name and telephone number of the official responsible for its maintenance and distribution.

(b) The consolidated list shall indicate—

(1) The names and addresses of all debarred, suspended, or ineligible contractors, in alphabetical order, with cross-references when more than one name is involved in a single action;

(2) The name of the agency or other authority taking the action;

(3) The cause for the action (see subsections 7.2 and 8.2 for causes authorized under this policy letter) or other statutory or regulatory authority;

(4) The scope of the action;

(5) The termination date for each listing; and

(6) The name and telephone number of the point of contact for the action.

(c) Each agency shall—

(1) Notify GSA of the information required by paragraph (b) above within 5 working days after the action becomes effective;

(2) Notify GSA within 5 working days after modifying or rescinding an action;

(3) Notify GSA of the names and addresses of agency organizations that are to receive the consolidated list and the number of copies to be furnished to each;

(4) In accordance with internal retention procedures, maintain records relating to each suspension or debarment action taken by the agency;

(5) Establish procedures to provide for the effective use of the list, to ensure that the agency does not solicit offers from, award contracts to, or consent to subcontracts with, listed contractors, except as otherwise provided in this policy letter; and

(6) Direct inquiries concerning listed contractors to the agency or other authority that took the action.

6. *Effect of listing.* (a) Contractors debarred or suspended under section 7 or 8 are excluded from receiving contracts, and agencies shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors, unless the acquiring agency's head or a designee determines that there is a compelling reason for such action (see subsection 6.2 and paragraphs 7.1(c) and 8.1(d)).

(b) Contractors listed as having been declared ineligible on the basis of statutory or other regulatory procedures are excluded from receiving contracts and, if applicable, subcontracts, under the conditions and for the period set forth in the statute or regulation. Agencies shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors under those conditions and for that period.

6.1 *Continuation of current contracts.* (a) Notwithstanding the listing of a contractor for the causes set forth in this policy letter, agencies may continue contracts or subcontracts in existence at the time the contractor was debarred or suspended, unless the acquiring agency's head or a designee directs otherwise. A decision as to the type of termination action, if any, to be taken should be made only after review by agency contracting and technical personnel and by counsel to ensure the propriety of the proposed action.

(b) Agencies shall not renew current contracts or subcontracts of debarred or suspended contractors, or otherwise extend their duration, unless the acquiring agency's head or a designee states in writing the compelling reasons for renewal or extension.

6.2 *Restrictions on subcontracting.* When a debarred or suspended contractor is proposed as a subcontractor for any subcontract subject to Government consent, approval shall not be given unless the acquiring agency's head or a designee states in writing the compelling reasons for this approval.

7. *Debarment.*

7.1 *General.* (a) The debarment official may, in the public interest, debar a contractor for any of the causes in subsection 7.2, using

the procedures in subsection 7.3. The existence of a cause for debarment under subsection 7.2, however, does not necessarily require that the contractor be debarred; the seriousness of the contractor's acts or omissions and any mitigating factors should be considered in making any debarment decision.

(b) Debarment constitutes debarment of all divisions or other organizational elements of the contractor, unless the debarment decision is limited by its terms to specific divisions, organizational elements, or commodities. The debarment official may extend the debarment decision to include any affiliates of the contractor if they are (1) specifically named and (2) given written notice of the proposed debarment and an opportunity to respond (see paragraph 7.3(c)).

(c) A contractor's debarment shall be effective throughout the executive branch of the Government, unless an acquiring agency's head or a designee states in writing the compelling reasons justifying continued business dealings between that agency and the contractor.

7.2 *Causes for debarment.* The debarment official may debar a contractor for any of the causes listed in paragraphs (a) through (c) following:

(a) Conviction of or civil judgment for—

(1) Commission of fraud or a criminal offense in connection with (i) obtaining, (ii) attempting to obtain, or (iii) performing a public contract or subcontract;

(2) Violation of Federal or State antitrust statutes relating to the submission of offers;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a Government contractor or subcontractor.

(b) Violation of the terms of a Government contract or subcontract so serious as to justify debarment, such as—

(1) Willful failure to perform in accordance with the terms of one or more contracts; or

(2) A history of failure to perform, or of unsatisfactory performance of, one or more contracts.

(c) Any other cause of so serious or compelling a nature that it affects the present responsibility of a Government contractor or subcontractor.

7.3 *Procedures.* (a) *Investigation and referral.* Agencies shall establish procedures for the prompt reporting, investigation, and referral to the debarment official of matters appropriate for that official's consideration.

(b) *Decisionmaking process.* (1) Agencies shall establish procedures governing the debarment decisionmaking process that are as informal as practicable, consistent with principles of fundamental fairness. These procedures shall afford the contractor (and any specifically named affiliates) an opportunity to submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment.

(2) In actions not based upon a conviction or judgment, if it is found that the contractor's submission in opposition raises a genuine dispute over facts material to the proposed debarment, agencies shall also—

(i) Afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any person the agency presents; and

(ii) Make a transcribed record of the proceedings and make it available at cost to the contractor upon request, unless the contractor and the agency, by mutual agreement, waive the requirement for a transcript.

(c) *Notice of proposal to debar.* Debarment shall be initiated by advising the contractor and any specifically named affiliates, by certified mail, return receipt requested—

(1) That debarment is being considered;

(2) Of the reasons for the proposed debarment in terms sufficient to put the contractor on notice of the conduct or transaction(s) upon which it is based;

(3) Of the cause(s) relied upon under subsection 7.2 for proposing debarment;

(4) That, within 30 days after receipt of the notice, the contractor may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment, including any additional specific information that raises a genuine dispute over the material facts;

(5) Of the agency's procedures governing debarment decisionmaking;

(6) Of the potential effect of the proposed debarment; and

(7) If no suspension is in effect under section 8, that no contracts will be awarded to the contractor pending a debarment decision.

(d) *Debarring official's decision.* (1) In actions based upon a conviction or judgment, or in which there is no genuine dispute over material facts, the debarring official shall make a decision on the basis of all the information in the administrative record, including any submission made by the contractor. If no suspension is in effect under section 8, the decision shall be made within 30 working days after receipt of any information and argument submitted by the contractor, unless the debarring official extends this period for good cause.

(2)(i) In actions in which additional proceedings are necessary as to disputed material facts, written findings of fact shall be prepared. The debarring official shall base the decision on the facts as found, together with any information and argument submitted by the contractor and any other information in the administrative record.

(ii) The debarring official may refer matters involving disputed material facts to another official for findings of fact. The debarring official may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary and capricious or clearly erroneous.

(iii) The debarring official's decision shall be made after the conclusion of the proceedings with respect to disputed facts.

(3) In any action in which the proposed debarment is not based upon a conviction or civil judgment, the cause for debarment must be established by a preponderance of the evidence.

(e) *Notice of debarring official's decision.*

(1) If the debarring official decides to impose debarment, the contractor and any affiliates involved shall be given prompt notice by certified mail, return receipt requested—

(i) Referring to the notice of proposed debarment;

(ii) Specifying the reasons for debarment;

(iii) Stating the period of debarment, including effective dates (see subsection 7.4 below); and

(iv) Advising that the debarment is effective throughout the executive branch of the Government unless the head of an acquiring agency or a designee makes the statement called for by paragraph 7.1(c).

(2) If debarment is not imposed, the debarring official shall promptly notify the contractor and any affiliates involved, by certified mail, return receipt requested.

7.4 *Period of debarment.* (a) Debarment shall be for a period commensurate with the seriousness of the cause(s). Generally, a debarment should not exceed 3 years. If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period.

(b) The debarring official may extend the debarment for an additional period, if that official determines that an extension is necessary to protect the Government's interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined necessary, the procedures of subsection 7.3 above shall be followed to extend the debarment.

(c) The debarring official may reduce the period or extent of debarment, upon the contractor's request, supported by documentation, for reasons such as—

(1) Newly discovered material evidence;

(2) Reversal of the conviction or judgment upon which the debarment was based;

(3) Bona fide change in ownership or management;

(4) Elimination of other causes for which the debarment was imposed; or

(5) Other reasons the debarring official deems appropriate.

7.5 *Scope of debarment.* (a) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor, or with the contractor's knowledge, approval, or acquiescence. The contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

(b) The fraudulent, criminal, or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the contractor who participated in, knew of, or had reason to know of the contractor's conduct.

(c) The fraudulent, criminal, or other seriously improper conduct of one contractor participating in a joint venture or similar

arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement or with the knowledge, approval, or acquiescence of these contractors. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

#### 8. *Suspension.*

8.1 *General.* (a) The suspending official may, in the public interest, suspend a contractor for any of the causes in subsection 8.2, using the procedures in subsection 8.3.

(b) Suspension is a serious action to be imposed on the basis of adequate evidence, pending the completion of investigation or legal proceedings, when it has been determined that immediate action is necessary to protect the Government's interest. In assessing the adequacy of the evidence, agencies should consider how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. This assessment should include an examination of basic documents such as contracts, inspection reports, and correspondence.

(c) Suspension constitutes suspension of all divisions or other organizational elements of the contractor, unless the suspension decision is limited by its terms to specific divisions, organizational elements, or commodities. The suspending official may extend the suspension decision to include any affiliates of the contractor if they are (1) specifically named and (2) given written notice of the suspension and an opportunity to respond (see paragraph 8.3(c)).

(d) A contractor's suspension shall be effective throughout the executive branch of the Government, unless an acquiring agency's head or a designee states in writing the compelling reasons justifying continued business dealings between that agency and the contractor.

8.2 *Causes for suspension.* (a) The suspending official may suspend a contractor suspected, upon adequate evidence, of—

(1) Commission of fraud or a criminal offense in connection with (i) obtaining, (ii) attempting to obtain, or (iii) performing a public contract or subcontract;

(2) Violation of Federal or State antitrust statutes relating to the submission of offers;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a Government contractor or subcontractor.

(b) Indictment for any of the causes in paragraph (a) above constitutes adequate evidence for suspension.

(c) The suspending official may upon adequate evidence also suspend a contractor for any other cause of so serious or compelling a nature that it affects the present responsibility of a Government contractor or subcontractor.



**8.3 Procedures.** (a) *Investigation and referral.* Agencies shall establish procedures for the prompt reporting, investigation, and referral to the suspending official of matters appropriate for that official's consideration.

(b) *Decisionmaking process.* (1) Agencies shall establish procedures governing the suspension decisionmaking process that are as informal as is practicable, consistent with principles of fundamental fairness. These procedures shall afford the contractor (and any specifically named affiliates) an opportunity, following the imposition of suspension, to submit, in person, in writing or through a representative, information and argument in opposition to the suspension.

(2) In actions not based on an indictment, if it is found that the contractor's submission in opposition raises a genuine dispute over facts material to the suspension and if no determination has been made, on the basis of Department of Justice advice, that substantial interests of the Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced, agencies shall also—

(i) Afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses and confront any person the agency presents; and

(ii) Make a transcribed record of the proceedings and make it available at cost to the contractor upon request, unless the contractor and the agency, by mutual agreement, waive the requirement for a transcript.

(c) *Notice of suspension.* When a contractor and any specifically named affiliates are suspended, they shall be immediately advised by certified mail, return receipt requested—

(1) That they have been suspended and that the suspension is based on an indictment or other adequate evidence that the contractor has committed irregularities (i) of a serious nature in business dealings with the Government or (ii) seriously reflecting on the propriety of further Government dealings with the contractor; any such irregularities shall be described in terms sufficient to place the contractor on notice without disclosing the Government's evidence;

(2) That the suspension is for a temporary period pending the completion of an investigation and such legal proceeding as may ensue;

(3) Of the cause(s) relied upon under subsection 8.2 for imposing suspension;

(4) Of the effect of the suspension;

(5) That, within 30 days after receipt of the notice, the contractor may submit, in person, in writing or through a representative, information and argument in opposition to the suspension, including any additional specific information that raises a genuine dispute over material facts; and

(6) That additional proceedings to determine disputed material facts will be conducted unless (i) the action is based on an indictment or (ii) a determination is made, on the basis of Department of Justice advice, that the substantial interests of the Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced.

(d) *Suspending official's decision.* (1) In actions (i) based on an indictment, (ii) in

which the contractor's submission does not raise a genuine dispute over material facts; or (iii) in which additional proceedings to determine disputed material facts have been denied on the basis of Department of Justice advice, the suspending official's decision shall be based on all the information in the administrative record, including any submission made by the contractor.

(2)(i) In actions in which additional proceedings are necessary as to disputed material facts, written findings of fact shall be prepared. The suspending official shall base the decision on the facts as found, together with any information and argument submitted by the contractor and any other information in the administrative record.

(ii) The suspending official may refer matters involving disputed material facts to another official for findings of fact. The suspending official may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary and capricious or clearly erroneous.

(iii) The suspending official's decision shall be made after the conclusion of the proceedings with respect to disputed facts.

(3) The suspending official may modify or terminate the suspension or leave it in force (for example, see paragraph 7.4(c) for the reasons for reducing the period or extent of debarment). However, a decision to modify or terminate the suspension shall be without prejudice to the subsequent imposition of suspension by any other agency or the imposition of debarment by any agency.

(4) Prompt written notice of the suspending official's decision shall be sent to the contractor by certified mail, return receipt requested.

**8.4 Period of suspension.** (a) Suspension shall be for a temporary period pending the completion of investigation and any ensuing legal proceedings, unless sooner terminated by the suspending official or as provided in this subsection 8.4.

(b) If legal proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General requests its extension, in which case it may be extended for an additional 6 months. In no event may a suspension extend beyond 18 months, unless legal proceedings have been initiated within that period.

(c) The suspending official shall notify the Department of Justice of the proposed termination of the suspension, at least 30 days before the 12-month period expires, to give that Department an opportunity to request an extension.

**8.5 Scope of suspension.** The scope of suspension shall be the same as that for debarment (see subsection 7.5), except that the procedures of subsection 8.3 shall be used in imposing suspension.

[FR Doc. 82-17696 Filed 6-30-82; 8:45 am]

BILLING CODE 3110-01-M

## POSTAL RATE COMMISSION

### Visits

June 25, 1982.

Notice is hereby given that Chairman Steiger, Vice Chairman Folsom, Commissioners Bright and Cruthcher and Commission staff members will make the following visits:

June 29:

Advertising Distribution Service, Buffalo, MN.

June 30:

Independent Delivery Service, Minneapolis, MN.

Minneapolis Star and Tribune, Minneapolis, MN.

Fingerhut, Inc., Minnetonka, MN.

July 1:

Billy Graham Association, Minneapolis, MN.

The purpose of the visits is to gain a general knowledge and understanding of alternative delivery operations (ADS and IDS); the country's largest in-house non-profit mailing operation (Billy Graham); the place of newspapers in distribution of circulars and advertising material (Minneapolis Star and Tribune); the operations of a large direct mailer (Fingerhut). A report of the visits will be filed in the Commission's Docket Room.

David F. Harris,  
Secretary.

[FR Doc. 82-17902 Filed 6-30-82; 8:45 am]

BILLING CODE 7715-01-M

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2048]

### Connecticut; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the State of Connecticut constitutes a disaster loan area because of damage resulting from severe storms and flooding beginning on June 4, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 13, 1982, and for economic injury until March 14, 1983, at: U.S. Small Business Administration, One Hartford Square West, Hartford, Connecticut 06106; or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere .....	15%
Homeowners without credit available elsewhere .....	7%
Businesses with credit available elsewhere .....	16
Businesses without credit available elsewhere .....	8



Businesses (EIDL) without credit available elsewhere.....  
 Other (non-profit organizations including charitable and religious organizations).....

11%

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: June 16, 1982.

J. C. Sanders,  
 Administrator.

[FR Doc. 82-17932 Filed 6-30-82; 8:45 am]

BILLING CODE 8025-01-M

### Small Business Investment Co.; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the Federal Register the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to Section 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective July 1, 1982, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 14.765% per annum.

Dated: June 22, 1982

Edwin T. Holloway,  
 Associate Administrator for Finance and Investment.

[FR Doc. 82-17933 Filed 6-30-82; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF STATE

### Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet July 29, 1982 at 9:00 a.m. in the Fort Monmouth Officers' Club (Gibbs Hall), Tinton Avenue, Fort Monmouth, New Jersey.

Study Group 6 deals with matters relating to the propagation of radio waves in and through the ionosphere. The purpose of the meeting will be to establish a program of work in preparation for the next international meeting of Study Group 6 to be held in Geneva in August 1983.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: June 17, 1982.

Gordon L. Huffcutt,  
 Chairman, U.S. CCIR National Committee.

[FR Doc. 82-17935 Filed 6-30-82; 8:45 am]

BILLING CODE 4710-07-M

### [Public Notice CM-8/527]

### Modern Working Party of Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the Modern Working Party of Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on July 14 and 15, 1982 at the Days Inn in Mystic, Connecticut. Meetings will start at 9:00 a.m. on both days.

Study Group D deals with telecommunication matters relating to the development of international digital data transmission services; the Modern Working Party reviews actual and proposed CCITT recommendations pertaining to the specifications and use of modems in data transmission.

The agenda for the meetings will include 9600/9800 two-wire full duplex echo cancelling modems, TR 30.3 transmission line impairments, and discussion of Recommendation V.54.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chair. Requests for further information may be directed to Richard H. Howarth, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632-1007 or T. de Haas, Chairman of U.S. Study Group D, Institute of Telecommunication Sciences, National Telecommunications and Information Administration, Boulder, Colorado 80303, telephone (303) 499-1000, ext. 3728.

Richard H. Howarth,  
 Chairman, U.S. CCITT National Committee.

June 17, 1982.

[FR Doc. 82-17934 Filed 6-30-82; 8:45 am]

BILLING CODE 4710-07-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-82-10]

### Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation  
 Administration (FAA), DOT.

ACTION: Notice of petitions for  
 exemption received and of dispositions  
 of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief for specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: July 20, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. \_\_\_\_\_, 800 Independence Avenue, SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION:** The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800

Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g), of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on June 24, 1982.

John H. Cassady,  
Assistant Chief Counsel, Regulations and Enforcement Division.

#### PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
20583	Tenneco Inc. Aviation.....	14 CFR 61.58(c) .....	Renewal of Exemption 3106 which allows petitioner's pilots to complete the Boeing 727-100 24-month pilot-in-command check in an FAA-approved simulator.
22788	Empire Airlines, Inc. ....	14 CFR 121.547 .....	To allow petitioner to admit certain of its personnel to the flight deck for the purpose of firsthand observation of routes, flight and block times, handling capabilities, and scheduling.
23063	Tenneco Inc. Aviation.....	14 CFR 21.181, 91.27, 91.29 and 91.165 .....	To permit petitioner to use a minimum equipment list and a configuration deviation list to meet requirements for flight operation.
22828	Air Transport Association.....	14 CFR 121.381(d).....	To allow required flight attendants to be located at the mid-cabin flight attendant station during takeoff and landing on B-767 aircraft operated by UAL and AA.
23050	Boeing Commercial.....	14 CFR 21.231(a)(1) .....	To allow application of Airplane Company Delegation Option Authorization (DOA) procedures to the type, production, and airworthiness certification of Boeing Models 727, 737, and 747 including derivatives involving major changes exemplified by the 737-300.
16784	Houston Helicopters, Inc. ....	14 CFR 43.3(h) .....	Extension of Exemption 2445B to permit petitioner's appropriately trained and certificated pilots to remove, check, and install magnetic series engines used on Bell Model 206 helicopters.
21844	Airborne Express, Inc. ....	14 CFR 121.619 and 121.639 .....	Amendment of Exemption 3443 to permit petitioner to operate its DC-9 and YS-11 aircraft under the domestic air carrier fuel supply provisions of § 121.639.
23120	American Airlines .....	14 CFR 121.291(b) (d) and (e).....	To permit petitioner to operate its B-747 series airplanes in a 499 passenger-seating configuration using 10 flight attendants without conducting a partial demonstration of emergency evacuation procedures or a simulated ditching when the number, location, or emergency evacuation duties or procedures of flight attendants are changed.
23117	Air Nevada .....	14 CFR 135.244(a)(b) .....	To permit petitioner to substitute the hours of pilot-in-command operating experience obtained in commuter air carrier operations over its Grand Canyon route in its Cessna 402 aircraft for the pilot-in-command operating experience required for its single engine aircraft.
23118	CFM International.....	14 CFR 33.7 and 33.88 .....	To permit petitioner to use alternate compliance procedures for operating limitations for engines and ratings.
22784	CFM International.....	14 CFR 33.14 .....	To allow petitioner an alternate start-stop stress cycle other than that specified in the operating limitation.
23074	Domar Jet Charter .....	14 CFR 135.89(b)(3) .....	To permit petitioner to operate its Gates Learjet aircraft up to flight level 410 without either pilot being required to wear an oxygen mask as long as there are two pilots at the controls and each pilot has a quick-donning type of oxygen mask.
12468	Petroleum Helicopters Inc. ....	14 CFR 43.3(h) .....	To permit petitioner's appropriately trained and certificated pilots to remove, check, and reinstall magnetic chip detector plugs on certain Allison 250-C engines, tail rotor gear boxes, and transmissions installed in Bell Model 206 series and Bolkow Model DO-105 helicopters.
23053	Cessna Aircraft Co. ....	14 CFR 21.231 .....	To permit petitioner to use the authority in Delegation Option Authorization procedures for type, production, and airworthiness certification of airplanes, regardless of type certification basis, as long as the airplanes are of 75,000 pounds maximum gross takeoff weight or less and are not intended for operations under Part 121 of the FAR.
22993	Transamerican Aviation.....	14 CFR 91.31(e)(3) .....	To relieve petitioner from certain operating limitations prescribed for its Douglas DC-6A aircraft.
23049	Air Cortez .....	14 CFR 121.311(e)(f) .....	To permit petitioner to operate its Fairchild F-27J aircraft without each flight deck station being equipped with a combined safety belt and shoulder harness that meets the applicable requirements and without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the seat requirements.
22992	Miami Air Lease Inc. ....	14 CFR Portions of Part 125 .....	To permit petitioner to operate its Douglas DC-8 all-cargo airplanes at an increased zero fuel and landing weight.
23001	Mr. Dean E. May .....	14 CFR 61.135 .....	To permit petitioner to apply military flight time towards the 50 hours helicopter time required for a commercial pilot certificate.
23060	Gelco Air .....	14 CFR 135.89 .....	To allow petitioner to operate its Avions Marcel Dassault Falcon 50 and Falcon 10 aircraft above FL 350 up to and including flight level 410 without requiring one pilot to wear and use an oxygen mask.
22282	Regional Airline .....	14 CFR 135.261 .....	Amendment to condition number 3 on exemption No. 3535 so that it reads "No flight crewmember may be scheduled for more than 8 hours of flight time in the duty period immediately preceding the 8 hours of consecutive rest, and no more than 8 hours of flight time in the 24-hour period beginning with 8 hours of consecutive rest."
23121	American Express Co. ....	14 CFR Subpart D of Part 91 and § 91.169 .....	To permit petitioner to operate its helicopter in the same manner as a large turbojet-powered multiengine civil airplane.
19475	Flight Safety Int'l (FSI) .....	14 CFR 61.63(d) (2) and (3) and 61.157(d)(1) .....	Renewal of Exemption No. 2854A which permits petitioner's trainees to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing in an airplane simulator as set forth in Appendix A of Part 61, although FSI does not have an operating certificate.
23064	Cessna Aircraft .....	14 CFR 47.15(b) .....	To allow petitioner the use of a special N- number on one of its 172RG aircraft. The number requested is N1CPC.
23116	British Aerospace .....	14 CFR 25.807(c)(1) .....	To allow petitioner an alternative exit arrangement for Model BAe 146. The alternative exit arrangement consists of four Type I emergency exits which are positioned two each side of the fuselage; one at each end of the passenger cabin. The petitioner desires to use a passenger seating arrangement of 109 passengers which exceeds by 30 the number allowed for this proposal.

## DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22689	Arabian American Oil Co .....	14 CFR 61.58(c) .....	To permit petitioner's pilots in command to complete their entire 24-month pilot-in-command proficiency checks for the B-737 aircraft in FAA-approved visual flight simulators. <i>Granted May 25, 1982.</i>
22756	Ports of Call Travel Club .....	14 CFR 61.57(d) .....	To permit petitioner to carry passengers during the period 1 hour after sunset and ending 1 hour before sunrise without making at least three takeoffs and three landings within the preceding 90 days. <i>Granted May 25, 1982.</i>
21518	Type Rating Training (TRT) .....	14 CFR 61.63(d) (2) and (3) 61.157(d)(1) .....	To allow petitioner's trainees to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing in an airplane simulator. <i>Granted May 25, 1982.</i>
17240	Merigold Flying Service, Inc. ....	14 CFR 61 and 141 .....	To permit issuance of a commercial pilot certificate and the conduct of a commercial pilot course, excluding the requirements for (1) 10 hours of flight instruction and practice in an airplane having a retractable landing gear and (2) the IFR operations for the instrument rating course prescribed, subject to certain conditions and limitations. <i>Granted May 25, 1982.</i>
22526	Mr. Michael A. Goble .....	14 CFR 65.57 .....	To permit petitioner to apply for an aircraft dispatcher certificate without having been in a position with a scheduled air carrier, scheduled military operations, or other similar experience for 2 of the last 3 years. <i>Cancelled May 25, 1982.</i>
22538	Air Methods, Inc. ....	14 CFR 135.223(a)(3) .....	To permit petitioner to operate helicopters in instrument flight rule conditions with a fuel reserve of not less than 30 minutes, rather than 45 minutes. <i>Cancelled May 25, 1982.</i>
22630	Liberty Airlines, Inc. ....	14 CFR 121.61(c)(1) .....	To allow Mr. Gary H. Smith to serve as Director of Maintenance without meeting the 5-year experience requirement. <i>Granted May 3, 1982.</i>
20524	Pipe Fabricators, Inc. ....	14 CFR 43.3(h) .....	To permit petitioner's appropriately trained and certified pilots to remove, check, and reinstall magnetic chip detector plugs on Hughes 500C helicopter engines, transmissions, and tail rotor gear boxes. <i>Granted May 6, 1982.</i>
22537	ERA Helicopters, Inc. ....	14 CFR 43.3(a)(d)(h), and 135.443(b)(3) .....	To permit petitioner's appropriately trained certificated pilots to change flat tires on Model 24 Learjets in special circumstances. <i>Granted May 11, 1982.</i>
22115	Piedmont Aviation, Inc. ....	14 CFR 121.391(a) .....	Reconsideration of a Denial of Exemption to permit petitioner to block off 12 seats and to operate its B-737 aircraft with two flight attendants when a third flight attendant cannot be made available without undue delay or flight cancellation. <i>Denied May 10, 1982.</i>
13199	American Airlines Training Corp .....	14 CFR 61.63(d)(2)(3) .....	To amend Exemption 2064D to authorize petitioner to use of an approved flight simulator for certain portions of the type rating evaluation for applicants desiring a type rating to be added to their commercial pilot certificate. <i>Granted May 14, 1982.</i>
22557	Hawthorne Aviation .....	14 CFR 135.261(b) .....	To permit petitioner to schedule its pilots for only 8 to 9 consecutive hours of rest during the 24-hour period preceding the planned completion of the assignment. <i>Denied May 18, 1982.</i>
22554	Petroleum Helicopters, Inc. ....	14 CFR 135.261(a)(1)(2) .....	To permit petitioner's pilots, when operating helicopters, to accept assignment for duty during flight time without regard to the 24-consecutive-hour requirement, provided flight time in a duty period does not exceed 8 hours for a flightcrew consisting of one pilot and 10 hours for a flightcrew consisting of two pilots and only one duty period is allowed during any 24 consecutive hours. Duty periods shall not exceed 14 hours and rest periods between duty periods shall not be less than 10 hours. <i>Denied May 18, 1982.</i>
22547	Mr. Amos K. Lapp .....	14 CFR 63.35(d) .....	To permit petitioner to take the flight test, which is required when applying for a flight engineer certificate, even though it has been more than 24 months since he passed the written test. <i>Denied May 17, 1982.</i>
22621	Sun Refining and Marketing Co .....	14 CFR 91.169 and 91.181(a) .....	To allow petitioner to operate a helicopter under Subpart D governing large and turbojet-powered multiengine civil airplanes. <i>Granted May 17, 1982.</i>
22282	Regional Airline Association .....	14 CFR 135.261(b) .....	To permit petitioner's members to assign a flight crewmember and for flight crewmembers to accept flight duty time without having had at least 10 consecutive hours of rest during that 24-hour period preceding the planned completion of the flight assignment. <i>Granted with Conditions May 21, 1982.</i>
22531	Pyramid Airlines .....	14 CFR Various Sections Parts 21 and 91 .....	To permit petitioner to use appropriate Minimum Equipment Lists in connection with its operation of two F-27 and six DC-3 U.S.-registered leased aircraft. <i>Granted May 19, 1982.</i>
23038	Icelandair S.A. and Overseas National Airways, Inc. (ONA) .....	14 CFR Portions of Parts 21 and 91 .....	To allow petitioner to operate one U.S.-registered DC-8-55 aircraft, N916R, leased from ONA, and to maintain the aircraft in accordance with ONA's continuous airworthiness maintenance and inspection program and to use the FAA-approved master Minimum Equipment List. <i>Granted May 19, 1982.</i>
21758	Great Western Airlines Inc .....	14 CFR 121.623 .....	Reconsideration of Denial of Exemption to permit petitioner to operate CV-580 cargo aircraft under instrument flight rules without first listing an alternate for each destination in the flight release. <i>Cancelled May 18, 1982.</i>
22953	British Midland Airways Ltd. (BMA) .....	14 CFR Portions of Parts 21 and 91 .....	To permit petitioner to operate a leased U.S.-registered BB-707 under a continuous airworthiness maintenance and inspection program with an FAA-approved minimum equipment list (MEL) using Dan-Air Engineering Ltd., Lasham Airfield, and Sabena Airline to perform maintenance. <i>Granted May 21, 1982.</i>
21819	Air Nevada .....	14 CFR 135.113 .....	To allow petitioner to operate a Cessna 404 aircraft during VFR conditions with a passenger occupying the copilot seat. <i>Granted June 15, 1982.</i>
22753	United States Parachute Association .....	14 CFR 91.47 .....	To permit petitioner to use its DC-3/C-47 and L-18 aircraft to carry 40 and 20 parachutists respectively for hire at the 1982 National Parachuting Championships at Muskogee, Oklahoma. <i>Granted June 1, 1982.</i>
22700	Rocky Mountain Airways .....	14 CFR 65.101(a)(5) .....	To allow petitioner's Director of Quality Control to apply for a repairman certificate to perform maintenance on various propellers although he only has 14 months of experience. <i>Withdrawn June 3, 1982.</i>
21524	Air Florida, Inc. and Transavia Holland .....	14 CFR Parts 21 and 91 .....	To extend the expiration date of exemption 3207 which permits Transavia Holland to lease and operate, with an MEL during peak winter traffic period, two U.S.-registered Air Florida B-737-200 aircraft. <i>Granted May 28, 1982.</i>

## DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22567	Air Florida, Inc.	14 CFR 121.311(f)	To permit petitioner to operate two DC-9-15F airplanes (N70AF & N73AF) until April 30, 1983, without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the seat requirements of § 25.785. <i>Granted May 26, 1982.</i>
22407	Mr. Lloyd Goheen	14 CFR 65.91(c)(2)	Reconsideration of the Denial of Exemption No. 3459 to permit petitioner to obtain an inspection authorization without having been active in maintaining FAA-certificated aircraft in the past 2 years. <i>Granted May 26, 1982.</i>
22589	Rich International Airways, Inc.	14 CFR 121.311 (e), (f), and (g), 121.318(b)(2) and 121.319(b)(3).	To allow petitioner to operate its DC-8 airplane, N-43867, under a contract with the Federal government, with a seat for the required flight attendant in the passenger compartment, a public address system and crew-member interphone system which do not meet requirements. <i>Granted May 13, 1982.</i>
21815	Air Logistics	14 CFR 43.3 and 43.7	Reconsideration of denial of exemption to allow a person certificated by a foreign country and authorized by that country for the specific make and model of aircraft to perform maintenance, and approve for return to service following maintenance, U.S. aircraft operating in a foreign country. <i>Denied May 28, 1982.</i>
22567	Liberty Airlines	14 CFR 121.311(f)	To permit petitioner to operate certain transport category airplanes until October 30, 1982, without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the seat requirements. <i>Granted June 7, 1982.</i>
22576	Ray's Flight Systems	14 CFR 61.157(d)(1) and 61.63(d)(2)	To permit petitioners B737 trainees to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing in an airplane simulator although petitioner does not hold an operating certificate issued under Part 121. <i>Granted June 4, 1982.</i>
22058	La Mancha Aire, Inc.	14 CFR 91.31(a)	To allow petitioner to operate its DC-7 airplanes at a 5 percent increase in zero fuel and landing weight. <i>Granted June 2, 1982.</i>
21832	Bishop Brothers, Inc.	14 CFR 91.31(a)	Amendment to Exemption 3264 to permit petitioner to operate any leased aircraft which falls within the appropriate serial numbers at a 5 percent increased zero fuel and landing weight for the purpose of delivering perishable fish of the Alaskan fishing industry. <i>Granted June 2, 1982.</i>
21726	Executive Air Fleet Corp.	14 CFR 135.261(a)(2) and (b)	To permit petitioner, when using three-pilot crews, to assign for duty during flight time when the total flight time exceeds 10 hours during any 24 consecutive hours and that assignment does not provide for at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the assignment. <i>Granted June 1, 1982.</i>
20048	Chalk's International Airlines, Inc.	14 CFR 135.175(e)	To amend exemption 3007 to allow petitioner to conduct day VFR flights in Grumman G-73 aircraft without approved airborne weather radar equipment installed in the aircraft. <i>Granted June 11, 1982.</i>
22767	British Aerospace	14 CFR SFAR 41 §§ 5 (e), (g), (i) and (j)	To allow petitioner to operate its Jetstream 3100 aircraft with one Type I exit (main passenger door) and one Type III exit on the opposite side (for accommodation of 16 through 19 passengers). The Jetstream 3100 maximum capacity is 19 passengers. <i>Granted June 10, 1982.</i>
21794	Compania Mexicana de Aviacion, S.A.	14 CFR Portions of Parts 21, 43, 81 and 125.	Amendment to exemption No. 3261b to permit petitioner to operate two additional leased, U.S.-registered aircraft under an FAA-approved Master Minimum Equipment List (M MEL) for DC-10 aircraft, and to maintain the aircraft in accordance with the appropriate FAA-approved continuous airworthiness maintenance program for a period of at least 2 years. <i>Granted June 14, 1982.</i>
19946	Trans World Airlines	14 CFR 91.32 and 121.333	Renewal of Exemption No. 2914 to permit petitioner continue to operate its Boeing 747SP aircraft above flight level 410 without one pilot at the controls of the airplane wearing and using an oxygen mask. <i>Granted June 15, 1982.</i>
21882	China Airlines Limited	14 CFR Portions of Parts 21, 91, and 125	Amendment to exemption No. 3360 to permit petitioner, a foreign air carrier, to operate a second leased U.S.-registered B-747SP aircraft using an FAA (M MEL) and an FAA approved airworthiness maintenance program. <i>Granted June 16, 1982.</i>
22634	Cheasapeake & Potomac Airways, Inc.	14 CFR 135.183(d)	To permit petitioner to conduct helicopter ambulance service over water without the helicopter being equipped with flotation devices. <i>Denied June 17, 1982.</i>
22706	Bankair, Inc.	14 CFR 135.225(e)(1)	To permit petitioner to operate their aircraft from Myrtle Beach Air Base and Beaufort Marine Corps Air Station using takeoff visibility minimums, subject to the approval of the appropriate military authority, which are less than 1 mile and equal to or greater than the landing visibility minimums established for those airfields. <i>Granted June 17, 1982.</i>
23051	National Executive Charter	14 CFR 61.151(a)	To permit William Peter Stamas to obtain an airline transport pilot certificate (ATPC) prior to reaching his 23rd birthday. <i>Denied June 18, 1982.</i>

[FR Doc. 82-17726 Filed 6-30-82; 8:45 am]

BILLING CODE 4910-13-C

**Environmental Impact Statement; Palm Beach International Airport, West Palm Beach, Florida****AGENCY:** Federal Aviation Administration (FAA).**ACTION:** Notice of Intent.**SUMMARY:** The FAA is issuing this notice to advise the public that an

Environmental Impact Statement will be prepared for a proposed change to aircraft departure procedures at Palm Beach International Airport, West Palm Beach, Florida.

**FOR FURTHER INFORMATION CONTACT:** Jefferey Griffith, Federal Aviation Administration, Air Traffic Division, 3400 Norman Berry Drive, East Point, Georgia 30344, Telephone: (404) 763-7537.**SUPPLEMENTARY INFORMATION:** An Environmental Impact Statement will be prepared for a proposed change to aircraft departure procedures at Palm Beach International Airport, West Palm Beach, Florida. The existing "fan out" departure procedure requires successive assignment of alternating headings to departing aircraft on three flight tracks from each runway. The assigned heading is maintained until the aircraft

has traveled four (4) miles from the end of the runway or reaches an altitude of 3,000 feet prior to making any turns. The proposed procedure would eliminate the "fan out" departure procedure and require all departing turbojet aircraft to remain on runway heading for a distance of four (4) miles from the runway end except on Runway 31 which the heading shall be 290 degrees.

*Alternatives under consideration include:* 1. Take no action (continue the established "fan out" departure procedure).

2. Eliminate the "fan out" departure procedure and require all departing turbojet aircraft to remain on runway heading for a distance of four (4) miles from the runway and except on runway 31 which the heading shall be 290 degrees.

*Scoping:* Meetings with federal, state and local agencies with jurisdiction by law or having special expertise to determine the significance of impacts that could reasonably be associated with the proposed action will be conducted to determine the range of actions, alternatives and impacts to be considered in this environmental impact statement.

Issued In East Point, Georgia, On June 22, 1982.

Thomas H. Protiva,  
Chief, Air Traffic Division, Federal Aviation  
Administration, Southern Region.

[FR Doc. 82-17516 Filed 6-30-82; 8:45 am]

BILLING CODE 4910-13-M

## Federal Highway Administration

### Environmental Impact Statement: Hudson and Nashua, New Hampshire

**AGENCY:** Federal Highway  
Administration.

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in the Town of Hudson and City of Nashua in New Hampshire which will provide a circumferential highway easterly of Nashua, connecting with the F. E. Everett Turnpike south of and north of the Nashua Central Business District.

**FOR FURTHER INFORMATION CONTACT:**  
(1) For FHWA—William F. O'Donnell, New Hampshire Division Office, Telephone (603) 224-3385, Federal Highway Administration, 55 Pleasant Street, Concord, NH 03301; or (2) For the NH Department of Public Works and Highways—Robert G. Kenevel, Telephone (603) 271-3344, NH Department of Public Works and

Highways, John O. Morton Building, Concord, NH 03301.

**SUPPLEMENTARY INFORMATION:** The proposed action consists of two or fourlane freeway-type facility with full control of access, which will begin at the F. E. Everett Turnpike approximately one and one-half miles north of the Massachusetts State Line and run northerly in close proximity to the easterly Nashua/Hudson urban area boundary and forming an eastside circumferential highway of approximately 12 miles in length. The proposed action is intended to improve traffic circulation in Hudson; to alleviate serious traffic congestion at the Route 111 (Taylor's Falls Bridge) crossing of the Merrimack River; and to sustain the economic vitality of both the Nashua and Hudson CBD.

Possible alternatives consist of two or more corridor locations for the northeasterly quadrant, in conjunction with construction in previously acquired right-of-way for the southeasterly quadrant, a two-lane or four-lane highway facility, upgrading of the existing highway system, no-build, or a combination of these alternatives.

The Scoping Process will consist of individual meetings with those agencies believed to have an interest in the study area and potential social, economic and environmental factors affected by the proposed action. These meetings will be initiated in late June or early July 1982. A single formal scoping meeting of all agencies is not planned.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects apply to this program)

Issued on June 22, 1982.

F. T. Comstock, Jr.,

Division Administrator, Concord, New  
Hampshire.

[FR Doc. 82-17506 Filed 6-30-82; 8:45 am]

BILLING CODE 4190-22-M

### Environmental Impact Statement; Martin, St. Lucie, and Indian River Counties, Florida

**AGENCY:** Federal Highway  
Administration (FHWA), DOT.  
**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Martin, St. Lucie, and Indian River Counties, Florida.

#### FOR FURTHER INFORMATION CONTACT:

R. V. Robertson, District Engineer,  
Federal Highway Administration, P.O.  
Box 1079, Tallahassee, Florida 32302;  
Telephone (904) 224-8111.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Florida Department of Transportation, will prepare an EIS for a proposal to improve State Road 5/U.S. 1 in Martin, St. Lucie, and Indian River Counties, Florida. The proposed improvement would involve the reconstruction of State Road 5/U.S. 1 from Cove Road in Martin County through St. Lucie County to 17th Street in Vero Beach, Indian River County, Florida, a distance of 37.5 miles. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include (1) taking no action; (2) widening to a six-lane divided roadway; (3) widening to six lanes plus frontage roads, where feasible; (4) one-way roadway pairs, where feasible; and (5) alternate corridors.

Federal, State, and local agencies have contributed early coordination comments through the A-95 process. Additionally, a project planning team developing this project will contact State, Federal, county, and local agencies for information relative to land use planning, water quality analysis, and local planning needs. Public information meetings will be held during the development of this EIS. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be made available for public and agency review and comment prior to the public hearing. A formal scoping meeting will be conducted at the project site during 1982.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the Federal Highway Administration at the address provided above.

Issued: June 21, 1982.

P. E. Carpenter,  
Division Administrator, Tallahassee, Florida.

[FR Doc. 82-17706 Filed 6-30-82; 8:45 am]

BILLING CODE 4910-22-M

### Environmental Impact Statement; Hayward, Calif.

**AGENCY:** Federal Highway  
Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environment Impact Statement will be prepared for a proposed highway project in Hayward, California.

**FOR FURTHER INFORMATION CONTACT:** David L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809; telephone (916) 440-3541.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the California Department of Transportation and the City of Hayward will prepare an Environmental Impact Statement (EIS) on a proposal for improvement of the "D" Street Corridor in the City of Hayward, Alameda County, California. The limits of the EIS are to be from the intersection of Soto Road/Myrtle Street with Winton Avenue to the intersection of 2nd Street with "D" Street, a distance of 1.12 to 1.23 miles, depending on the alternate.

The alternatives to be considered in the EIS include: first, the no-build alternative; second, the widening and improvement of existing Winton Avenue and Grand Street to a four-lane divided facility from Soto Road/Myrtle Street to "D" Street; and third, the construction of a four-lane divided facility on a new alignment from Winton Avenue at Soto Road/Myrtle Street to connect with the terminus of "D" Street at Grant Street. Both alternatives, two and three, widen and improve existing "D" Street to a four-lane facility from Grand Street to 2nd Street.

A formal scoping meeting is not planned at this time. If it later becomes apparent that a meeting is necessary, one will be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued: June 25, 1982.

James H. Lamb,  
*Acting District Engineer, Sacramento,  
California.*

[FR Doc. 82-17977 Filed 6-30-82; 8:45 am]

BILLING CODE 4910-22-M

## Urban Mass Transportation Administration

[Docket 82-E]

### Proposed Bonding Policy for Transit Bus Procurements

**AGENCY:** Urban Mass Transportation Administration, DOT.

**ACTION:** Notice of reopening of comment period.

**SUMMARY:** On April 29, 1982, UMTA published a Notice announcing a proposed bonding policy for transit bus procurements. UMTA received numerous comments, both in favor of and opposed to the proposed policy, many of which arrived after the formal closing of the comment period. A number of individuals and organizations have expressed an interest in providing additional comments. In order to analyze the comments already submitted, and in order to provide the opportunity to comment further, UMTA is reopening the docket for an additional period of time. Comments are solicited concerning all aspects of the Notice as originally published. In addition, UMTA solicits comments regarding an expansion of the policy to cover all UMTA-assisted equipment purchases. The previous Notice indicated that the policy would only apply to transit buses. UMTA expects to issue a final policy statement by September 1, 1982.

**DATE:** In order to ensure consideration, comments must be received on or before July 30, 1982. Any comments received after that date will be considered to the extent feasible.

**ADDRESS:** Comments must be submitted to UMTA Docket No. 82-E, Urban Mass Transportation Administration, Room 9228, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with each comment.

**FOR FURTHER INFORMATION CONTACT:** Colleen Weule, Chief Counsel's Office, Urban Mass Transportation Administration, Room 9315, 400 Seventh Street, S.W., Washington, D.C. 20590, 202/426-1936.

Dated: June 28, 1982.

Arthur E. Teele, Jr.,  
*Administrator.*

[FR Doc. 82-17961 Filed 6-30-82; 8:45 am]

BILLING CODE 4910-57-M

## DEPARTMENT OF THE TREASURY

### Secret Service

#### Appointment of Performance Review Board (PRB) Members

This notice announces the appointment of members of Senior Executive Service Performance Review Boards in accordance with 5 U.S.C. 4314(c)(4) for the rating period beginning July 1, 1981 and ending June 30, 1982. Each PRB will be composed of at least three of the Senior Executive Service members listed below.

#### Name and Title

John W. Mangels—Director of Operations, Department of the Treasury;  
Myron I. Weinstein—Deputy Director, U.S. Secret Service;  
Jerry S. Parr—Assistant Director, Protective Research (USSS);  
Edward J. Pollard—Assistant Director, Protective Operations (USSS);  
Frederick N. White, Jr.—Assistant Director, Administration (USSS);  
Richard E. Keiser—Assistant Director, Inspection (USSS);  
Larry B. Sheafe—Assistant Director, Investigations (USSS);  
Robert R. Snow—Assistant to the Director, Public Affairs (USSS);  
William R. Barton—Assistant to the Director, Training (USSS);  
Edward P. Walsh—Deputy Assistant Director, Protective Research (USSS);  
Gerald W. Bechtle—Deputy Assistant Director, Protective Operations (USSS);  
Don A. Edwards—Deputy Assistant Director, Protective Operations (USSS);  
Joseph R. Carlon—Deputy Assistant Director, Investigations (USSS).

For Further Information Contact:  
Wesley Bishop, Chief, Personnel Division, Room 912, 1800 G St., NW., Washington, D.C. 20223; telephone No. 202-535-5800.

John R. Simpson,  
*Director.*

[FR Doc. 82-17755 Filed 6-30-82; 8:45 am]

BILLING CODE 4810-42-M

# Sunshine Act Meetings

Federal Register

Vol. 47, No. 127

Thursday, July 1, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### 1

#### COMMODITY CREDIT CORPORATION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 26730, June 21, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., June 25, 1982

STATUS: Open/closed.

CHANGES IN MEETING: 1. Adds Supplemental Information: The General Counsel certified that a portion of this meeting could be closed. All members of the Board present as follows voted to close the meeting for item 15:

1. John R. Block, Secretary of Agriculture, Chairman.
2. Mary C. Jarratt, Member.
3. William G. Leshner, Member.
4. Seeley G. Lodwick, Member.
5. C. W. McMillan, Member.
6. Frank W. Naylor, Member.
7. Everett G. Rank, Member.

2. Changes title of item 3 as follows: Docket XCP 137a re: Barley, Corn, Oats, Rye, and Sorghum, Loan and Purchase, Payment, and Production Adjustment Programs for the 1982 through 1985 Marketing Years.

3. Changes title of item 12 as follows: Highlight Summary of the Commodity Credit Corporation (CCC) Claims Reports Memorandum.

4. Changes title of item 14 as follows: Request for Approval of Loan Guaranty Application Pursuant to Docket UCZ 314, "Guarantee of Loans for Pilot Projects for the Production of Industrial Hydrocarbons and Alcohols from Agricultural Commodities and Forest Products".

5. Adds category Other Business:

6. Adds memorandum as item a. under Other Business re: Sugar Statistics Needed for Establishing Import Quotas.

7. Adds memorandum as item b. under Other Business re: Update of Commodity Credit Corporation (CCC)-Owned Inventory.

#### CONTACT PERSON FOR MORE

INFORMATION: George E. Rippel, Acting Secretary, Commodity Credit Corporation, P.O. Box 2415, Room 5714-South Building, U.S. Department of Agriculture, Washington, D.C. 20013; telephone (202) 447-4785.

[S-965-82 Filed 6-29-82; 10:35 am]

BILLING CODE 3410-05-M

### 2

#### FEDERAL DEPOSIT INSURANCE CORPORATION

##### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 7:40 p.m. on June 25, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Farmers State Bank of Lewiston, Lewiston, Illinois, which was closed by the Illinois Commissioner of Banks & Trust Companies as of the close of business on Friday, June 25, 1982; (2) accept the bid for the transaction submitted by Farmers State Bank of Fulton County, Lewiston, Illinois, a newly-chartered State bank; (3) approve the application of Farmers State Bank of Fulton County, Lewiston, Illinois for Federal deposit insurance and for consent to purchase the assets of and assume the liability to pay deposits made in Farmers State Bank of Lewiston, Lewiston, Illinois; and (4) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Issac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did

not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: June 28, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-967-82 Filed 6-25-82; 11:13 am]

BILLING CODE 6714-01-M

### 3

#### NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 1 p.m., Wednesday, July 7, 1982.

PLACE: Radisson Chicago Hotel, 505 North Michigan Avenue, Chicago East Room.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility lending rate.
2. Report on status of National Credit Union Share Insurance Fund.
3. Final Rule to liberalize Section 701.27-2 of NCUA Rules and Regulations: Credit Union Service Corporations.
4. Final Rule to deregulate Sections 701.26 of NCUA Rules and Regulations: Credit Union Service Contracts and 701.36: Ownership of Fixed Assets.
5. Issuance for public comment of the interim Corporate Federal Credit Union Chartering Guidelines.
6. Proposed Regulation to Amend Part 745 of NCUA Rules and Regulations: Clarification and Definition of Account Insurance Coverage.
7. Advance Notice of Proposed Rulemaking, Deregulation of Part 703 of NCUA Rules and Regulations: Investments and Deposits.
8. Proposed standard amendment to Article XII Section 8 of the Federal Credit Union Bylaws regarding late charges.
9. Proposed delegation of authority to Regional Directors to act upon all charter conversion requests.

RECESS: 2:30 p.m.

TIME AND DATE: 5 p.m., Tuesday, July 6, 1982.

PLACE: Radisson Chicago Hotel, 505 North Michigan Avenue, Chicago Huron Room.

STATUS: Closed.



**MATTERS TO BE CONSIDERED:**

1. Requests from federally insured credit unions for special assistance to prevent liquidation under Section 208(a)(1) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

2. Requests for mergers with special assistance under Section 208(a)(2) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

**FOR MORE INFORMATION CONTACT:**

Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-966-82 Filed 6-29-82; 10:14 am]

BILLING CODE 7535-01-M

4

**NUCLEAR REGULATORY COMMISSION**

**DATE:** Week of July 5, 1982.

**PLACE:** Commissioner's Conference Room, 1717 H Street NW., Washington, D.C.

**STATUS:** Open and closed.

**MATTERS TO BE DISCUSSED:** *Tuesday, July 6:*

2:00 p.m.:

Discussion of License Fees—Proposed Schedule (Public Meeting)

*Wednesday, July 7:*

10:00 a.m.:

Discussion of Waste Confidence Proceeding (Closed—Exemption 10)

2:00 p.m.:

Discussion of Contested Issues in Susquehanna Operating License Proceeding (Closed—Exemption 10)

*Thursday, July 8:*

3:00 p.m.:

Affirmation/Discussion Session (Public Meeting)

Affirmation and/or Discussion and Vote:

- a. Final Rule Implementing the Equal Access to Justice Act
- b. 10 CFR Part 50—General Revision of Appendices G and H, Fracture Toughness and Reactor Vessel Material Surveillance Requirements
- c. 10 CFR Part 50—Proposed Rule to Clarify Applicability of License Conditions and Technical Specifications in an Emergency

**ADDITIONAL INFORMATION:** Discussion of Full Power Operating License for

LaSalle—1 scheduled for June 29 was *cancelled*. Affirmation of Amendment to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements" scheduled for June 24 moved to July 1. Affirmation of License Fees—Proposed Schedule scheduled for July 1, postponed. On June 24 the Commission voted 5-0 to hold on short notice an Affirmation of Extension of June 30, 1982 Deadline for Environmental Qualifications of Safety Related Electric Equipment.

**AUTOMATIC TELEPHONE ANSWERING**

**SERVICE FOR SCHEDULE UPDATE:** (202) 634-1498. Those planning to attend a meeting should reverify the status of the day of the meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Walter Magee (202) 634-1410

Walter Magee,

*Office of the Secretary*

[S-964-82 Filed 6-28-82; 5:00 pm]

BILLING CODE 7590-01-M

**Registered  
Federal**

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**Thursday  
July 1, 1982**

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**Part II**

**Department of the  
Treasury**

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**Fiscal Service, Bureau of Government  
Financial Operations**

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**Circular 570; 1982 Revision; Surety  
Companies Acceptable on Federal Bonds**

4810-35-190

## DEPARTMENT OF THE TREASURY

## FISCAL SERVICE, BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

(Dept. Circular 570; 1982 Rev.)


## COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE

## REINSURING COMPANIES

Effective: July 1, 1982

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Division of Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226. Telephone: (202) 634-5745. Interim changes in the circular are published in the FEDERAL REGISTER as they occur.

The following companies have complied with the law and the regulations of the Treasury Department and are acceptable as sureties and reinsurers on Federal bonds, to the extent and with respect to the localities indicated.

  
W. E. Douglas  
Commissioner  
Bureau of Government  
Financial Operations

COMPANIES HOLDING CERTIFICATES OF AUTHORITY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF  
THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS, INCLUDING REINSURANCE (See Note a/)

IMPORTANT INFORMATION IS CONTAINED IN THE NOTES AT THE END OF THIS TABLE. PLEASE READ THE NOTES CAREFULLY  
WHEN USING THE CIRCULAR.

AID Insurance Company (Mutual). BUSINESS ADDRESS: 701 Fifth Avenue, Des Moines, Iowa 50309. UNDERWRITING  
LIMITATION b/: \$9,589,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans.,  
Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo. INCORPORATED IN:  
Iowa. FEDERAL PROCESS AGENTS d/.

AIU Insurance Company. BUSINESS ADDRESS: 70 Pine Street, New York, N.Y. 10270. UNDERWRITING LIMITATION b/:  
\$2,832,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Puerto Rico, Wyo. INCORPORATED IN: N.Y. FEDERAL  
PROCESS AGENTS d/.

Acceptance Insurance Company. BUSINESS ADDRESS: One First National Center, Suite 1323, Omaha, Nebr. 68102.  
UNDERWRITING LIMITATION b/: \$281,000. SURETY LICENSES c/: Ariz., Nebr. INCORPORATED IN: Nebr. FEDERAL PROCESS  
AGENTS d/.

Accredited Surety and Casualty Company, Inc. BUSINESS ADDRESS: 918 South Orange Avenue, Orlando, Fla. 32806.  
UNDERWRITING LIMITATION b/: \$212,000. SURETY LICENSES c/: Ala., Fla., Ga., Ind., La., Miss., Va. INCORPORATED IN: Fla.  
FEDERAL PROCESS AGENTS d/.

The Aetna Casualty and Surety Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156.  
UNDERWRITING LIMITATION b/: \$93,415,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Conn. FEDERAL PROCESS  
AGENTS d/.

Aetna Casualty and Surety Company of Illinois. BUSINESS ADDRESS: 230 West Monroe Street, Chicago, Ill. 60606.  
UNDERWRITING LIMITATION b/: \$16,155,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Del., Ga., Idaho, Ill., Ind.,  
Iowa, Ky., La., Md., Mich., Miss., Mo., Mont., Nebr., Nev., N.J., N. Dak., Okla., Oreg., S.C., S. Dak., Tex., Utah, Va.,  
Wash., W. Va., Wis. (Compensation only in Fla., Kans.) INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Aetna Fire Underwriters Insurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING  
LIMITATION b/: \$1,092,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED  
IN: Conn. FEDERAL PROCESS AGENTS d/.

Aetna Insurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/:  
\$35,067,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Aetna Life and Casualty Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING  
LIMITATION b/: \$233,497,000. SURETY LICENSES c/: Conn., D.C. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Aetna Reinsurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/:  
\$2,893,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Hawaii, Ill., Ind., La., Ohio, Puerto Rico, Tex., Virgin  
Islands, W. Va. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Alaska Pacific Assurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITA-  
TION b/: \$2,228,000. SURETY LICENSES c/: Alaska, Cal., Idaho, Oreg., S. Dak. INCORPORATED IN: Alaska. FEDERAL PROCESS  
AGENTS d/.

\*See footnotes at end of table.

**Allegheny Mutual Casualty Company.** BUSINESS ADDRESS: 485 Chestnut Street, Meadville, Pa. 16335. UNDERWRITING LIMITATION b/: \$196,000. SURETY LICENSES c/: D.C., Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Okla., Pa., Tenn., Tex., Wis. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

**Allendale Mutual Insurance Company.** BUSINESS ADDRESS: Post Office Box 7500, Johnston, Rhode Island 02919. UNDERWRITING LIMITATION b/: \$19,789,000. SURETY LICENSES c/: All except C.Z., Del., Fla., Ga., Guam, Hawaii, Kans., La., Oreg., Puerto Rico, S. Dak., W. Va. INCORPORATED IN: R.I. FEDERAL PROCESS AGENTS d/.

**Allianz Insurance Company.** BUSINESS ADDRESS: Post Office Box 54897, Terminal Annex, Los Angeles, Cal. 90054. UNDERWRITING LIMITATION b/: \$2,327,000. SURETY LICENSES c/: All except C.Z., Guam, Okla., Puerto Rico. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

**Allied Fidelity Insurance Company.** BUSINESS ADDRESS: Post Office Box 20112, Indianapolis, Ind. 46220. UNDERWRITING LIMITATION b/: \$329,000. SURETY LICENSES c/: All except C.Z., D.C., Guam, Hawaii, Me., Md., Mich., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S. Dak., Vt., Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

**Allstate Insurance Company.** BUSINESS ADDRESS: Allstate Plaza, Northbrook, Ill. 60062. UNDERWRITING LIMITATION b/: \$239,517,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

**American Agricultural Insurance Company.** BUSINESS ADDRESS: 225 Touhy Avenue, Park Ridge, Ill. 60068. UNDERWRITING LIMITATION b/: \$4,674,000. SURETY LICENSES c/: Ariz., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Mo., N. Mex., N.C., N. Dak., Oreg., Pa., S.C., Tex., Utah, Va., Wash., Wis. (Reinsurance only in Kans., Mass., N.Y.) INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

**American Automobile Insurance Company.** BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: \$11,222,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

**American Bonding Company.** BUSINESS ADDRESS: 8601 Beverly Boulevard, Los Angeles, Cal. 90048. UNDERWRITING LIMITATION b/: \$230,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Colo., D.C., Hawaii, Idaho, Iowa, Kans., Miss., Mo., Mont., Nebr., Nev., N. Mex., Okla., Oreg., Tex., Utah, Wash. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

**American Casualty Company of Reading, Pennsylvania.** BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: \$6,810,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

**AMERICAN CENTENNIAL INSURANCE COMPANY.** BUSINESS ADDRESS: Post Office Box 1319R, 55 Madison Avenue, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: \$1,883,000. SURETY LICENSES c/: All except C.Z., Conn., Hawaii, Ind., Kans., Me, Mass., Mont., Puerto Rico, R.I., Wyo. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

**American Credit Indemnity Company of New York.** BUSINESS ADDRESS: 300 St. Paul Place, Baltimore, Md. 21202. UNDERWRITING LIMITATION b/: \$4,464,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

**The American Druggists' Insurance Company.** BUSINESS ADDRESS: 800 American Building, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: \$3,187,000. SURETY LICENSES c/: All except Alaska, Ariz., C.Z., Conn., D.C., Guam, Hawaii, Kans., Nev., N.H., N.J., Puerto Rico, S. Dak., Virgin Islands, Wyo. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

**American Economy Insurance Company.** BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, Ind. 46207. UNDERWRITING LIMITATION b/: \$10,775,000. SURETY LICENSES c/: All except C.Z., Conn., N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

**American Employers' Insurance Company.** BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: \$8,223,000. SURETY LICENSES c/: All except Guam, Kans., Puerto Rico. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

**AMERICAN-EUROPEAN REINSURANCE CORPORATION.** BUSINESS ADDRESS: 280 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: \$1,396,000. SURETY LICENSES c/: Del., N.Y. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

**American Fidelity Company.** BUSINESS ADDRESS: Post Office Box 960, Station C, Manchester, N.H. 03105. UNDERWRITING LIMITATION b/: \$658,000. SURETY LICENSES c/: Alaska, Conn., D.C., Iowa, Me., Md., Mass., Miss., Nebr., N.H., N. Dak. Okla., R.I., S. Dak., Utah, Vt., W. Va. INCORPORATED IN: Vt. FEDERAL PROCESS AGENTS d/.

**American Fidelity Fire Insurance Company.** BUSINESS ADDRESS: 100 Crossways Park West, Woodbury, N.Y. 11797. UNDERWRITING LIMITATION b/: \$742,000. SURETY LICENSES c/: All except C.Z., Colo., Guam, Hawaii, Mo., Nebr., N.H., Virgin Islands. Note: The most current information available indicates that the company's authority to do business in the states of Massachusetts, Georgia, Connecticut and Illinois is restricted. Questions concerning business in these states should be referred to the respective state insurance departments. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

**American Fire and Casualty Company.** BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45025. UNDERWRITING LIMITATION b/: \$1,536,000. SURETY LICENSES c/: Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

**American General Fire and Casualty Company.** BUSINESS ADDRESS: Post Office Box 1502, Houston, Tex. 77001. UNDERWRITING LIMITATION b/: \$2,039,000. SURETY LICENSES c/: Ark., La., N. Mex., Okla., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

**American Guarantee and Liability Insurance Company.** BUSINESS ADDRESS: 231 North Martingale Road, Schaumburg, Ill. 60196. UNDERWRITING LIMITATION b/: \$2,310,000. SURETY LICENSES c/: All except Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

**American Home Assurance Company.** BUSINESS ADDRESS: 70 Pine Street, New York, N.Y. 10270. UNDERWRITING LIMITATION b/: \$19,556,000. SURETY LICENSES c/: All except C.Z., Puerto Rico. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

**American Indemnity Company.** BUSINESS ADDRESS: Post Office Box 1259, Galveston, Tex. 77553. UNDERWRITING LIMITATION b/: \$3,033,000. SURETY LICENSES c/: Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Miss., Mo., Mont., Nebr., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

The American Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: \$21,977,000. SURETY LICENSES c/: All except C.Z., Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

American Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: \$7,848,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

American Motorists Insurance Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: \$15,791,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

American Mutual Liability Insurance Company. BUSINESS ADDRESS: Wakefield, Mass. 01880. UNDERWRITING LIMITATION b/: \$7,834,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

American National Fire Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: \$1,375,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

American Re-Insurance Company. BUSINESS ADDRESS: One Liberty Plaza, 91 Liberty Street, New York, N.Y. 10006. UNDERWRITING LIMITATION b/: \$25,800,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

American Southern Insurance Company. BUSINESS ADDRESS: Post Office Box 7369, Station C, Atlanta, Ga. 30357. UNDERWRITING LIMITATION b/: \$468,000. SURETY LICENSES c/: Ala., Fla., Ga., S.C. INCORPORATED IN: Ga. FEDERAL PROCESS AGENTS d/.

American States Insurance Company. BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, Ind. 46207. UNDERWRITING LIMITATION b/: \$27,045,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, N.Y., Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Amwest Surety Insurance Company. BUSINESS ADDRESS: 6301 Owensmouth Ave., #304, Woodland Hills, Cal. 91367. UNDERWRITING LIMITATION b/: \$115,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Antilles Insurance Company. BUSINESS ADDRESS: Post Office Box 3507, Old San Juan, Puerto Rico 00904. UNDERWRITING LIMITATION b/: \$509,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

ANVIL INSURANCE COMPANY. BUSINESS ADDRESS: 1108 W. 17th Street, Santa Ana, Cal. 92706. UNDERWRITING LIMITATION b/: \$404,000. SURETY LICENSES c/: Cal., Idaho, Nev. Oreg., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Argonaut Insurance Company. BUSINESS ADDRESS: 250 Middlefield Road, Menlo Park, Cal. 94025. UNDERWRITING LIMITATION b/: \$18,703,000. SURETY LICENSES c/: All except C.Z., Puerto Rico. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Arkwright-Boston Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: 225 Wyman Street, Waltham, Mass. 02154. UNDERWRITING LIMITATION b/: \$33,951,000. SURETY LICENSES c/: Cal., Colo., Conn., D.C., Ill., Ind., Iowa, Md., Mass., Mich., Minn., Mo., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., Ohio, R.I., Utah, Vt., Wash., Wyo. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

Associated Indemnity Corporation. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: \$2,656,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Atlanta International Insurance Company. BUSINESS ADDRESS: 1700 A Commerce Drive, Suite 100, Atlanta, Ga. 30318. UNDERWRITING LIMITATION b/: \$1,316,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Del., Fla., Guam, Hawaii, Ind., Ky., Me., Nebr., N.H., N.J., Oreg., Pa., Puerto Rico, Vt., Virgin Islands, Wis., Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Atlantic Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: \$922,000. SURETY LICENSES c/: All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Iowa, La., Me., Mass., Nebr., N.H., N.J., N.Y., N. Dak., Oreg., Puerto Rico, R.I., Vt., Va., Virgin Islands, Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Atlantic Mutual Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: \$11,245,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Hawaii, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Auto-Owners Insurance Company. BUSINESS ADDRESS: Post Office Box 30660, Lansing, Mich. 48909. UNDERWRITING LIMITATION b/: \$29,789,000. SURETY LICENSES c/: Ala., Ariz., D.C., Fla., Ga., Ill., Ind., Iowa, Ky., Mich., Minn., Mo., Neb., N.C., N. Dak., Ohio, S.C., S. Dak., Tenn., Tex., Wis. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/.

The Automobile Insurance Company of Hartford, Connecticut. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: \$3,859,000. SURETY LICENSES c/: All except Ala., C.Z., Del., Guam. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Balboa Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, Cal. 92663. UNDERWRITING LIMITATION b/: \$7,367,000. SURETY LICENSES c/: All except C.Z., La., Puerto Rico. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Bankers Multiple Line Insurance Company. BUSINESS ADDRESS: 4810 North Kenneth Avenue, Chicago, Ill. 60630. UNDERWRITING LIMITATION b/: \$2,888,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Idaho, La., Me., Puerto Rico, Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Binford Insurance Company. BUSINESS ADDRESS: 5105 Tollview Drive, Suite 195, Rolling Meadows, Ill. 60008. UNDERWRITING LIMITATION b/: \$64,000. SURETY LICENSES c/: N. Mex. INCORPORATED IN: N. Mex. FEDERAL PROCESS AGENTS d/.

**Boston Old Colony Insurance Company.** BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$1,184,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

**The Buckeye Union Insurance Company.** BUSINESS ADDRESS: Post Office Box 1499, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: \$18,287,000. SURETY LICENSES c/: D.C., Fla., Ill., Ind., Ky., Mich., Mo., N.Y., Ohio, Pa., Va., W. Va. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

**Builders Mutual Surety Company.** BUSINESS ADDRESS: 1545 Wilshire Boulevard, Suite 516, Los Angeles, Cal. 90017. UNDERWRITING LIMITATION b/: \$94,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

**CNA CASUALTY OF PUERTO RICO.** BUSINESS ADDRESS: GPO Box SA, San Juan, Puerto Rico 00936. UNDERWRITING LIMITATION b/: \$756,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

**The Camden Fire Insurance Association.** BUSINESS ADDRESS: 414 Walnut Street, Philadelphia, Pa. 19106. UNDERWRITING LIMITATION b/: \$11,529,000. SURETY LICENSES c/: All except Ala., Ark., C.Z., Del., Ga., Guam, Hawaii, Idaho, La., Me., Miss., Mont., Neb., N.H., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Tex., Virgin Islands, Wash. (Fidelity only in Ala., S.C.) INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

**Carlisle Insurance Company.** BUSINESS ADDRESS: 3435 Wilshire Boulevard, Suite 2504, Los Angeles, Cal. 90010. UNDERWRITING LIMITATION b/: \$212,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

**Centennial Insurance Company.** BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: \$3,678,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

**Central Mutual Insurance Company.** BUSINESS ADDRESS: 800 South Washington Street, Van Wert, Ohio 45891. UNDERWRITING LIMITATION b/: \$5,871,000. SURETY LICENSES c/: All except Ark., C.Z., Guam, N. Dak., Oreg., Puerto Rico, S. Dak., Virgin Islands, Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

**Century Indemnity Company.** BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$901,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

**CENTURY SURETY COMPANY.** BUSINESS ADDRESS: Suite 322, 1889 Fountain Square Court, Suite 322, Columbus, Ohio 43224. UNDERWRITING LIMITATION b/: \$297,000. SURETY LICENSES c/: Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

**The Charter Oak Fire Insurance Company.** BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$5,574,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

**The Cincinnati Insurance Company.** BUSINESS ADDRESS: Post Office Box 14567, Cincinnati, Ohio 45214. UNDERWRITING LIMITATION b/: \$10,331,000. SURETY LICENSES c/: Ala., Ariz., Colo., Fla., Ga., Ill., Ind., Iowa, Ky., Mich., Miss., N.C., Ohio, Pa., S.C., Tenn., Tex., Va., W. Va., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

**CLASSIFIED INSURANCE COMPANY.** BUSINESS ADDRESS: Post Office Box 1407, Waukesha, Wis. 53187. UNDERWRITING LIMITATION b/: \$242,000. SURETY LICENSES c/: Ariz., Cal., Idaho, Iowa, Nev., N. Mex., Oreg., Tex., Utah, Wash., Wis. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

**Colonial Surety Company.** BUSINESS ADDRESS: 9 Parkway Center, Pittsburgh, Pa. 15220. UNDERWRITING LIMITATION b/: \$324,000. SURETY LICENSES c/: Del., N.J., Pa. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

**Commercial Insurance Company of Newark, N.J.** BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$4,646,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

**Commercial Union Insurance Company.** BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: \$30,210,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

**Compass Insurance Company.** BUSINESS ADDRESS: 1221 River Bend Drive, Dallas, Texas 75247. UNDERWRITING LIMITATION b/: \$2,914,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Hawaii, Ind., Kans., Me., Md., N.J., N.C., Pa., R.I. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

**The Connecticut Indemnity Company.** BUSINESS ADDRESS: Post Office Box 420, Hartford, Conn. 06141. UNDERWRITING LIMITATION b/: \$1,085,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

**Consolidated Insurance Company.** BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, Ind. 46204. UNDERWRITING LIMITATION b/: \$1,077,000. SURETY LICENSES c/: Fla., Idaho, Ill., Ind., Iowa, Ky., Mich., Ohio, Oreg., Wash., Wis. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

**Continental Casualty Company.** BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: \$99,966,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

**The Continental Insurance Company.** BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$18,727,000. SURETY LICENSES c/: All. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

**Continental Reinsurance Corporation.** BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$9,313,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Oreg., Tex., Utah, Va., Wash., Wyo. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

Continental Surety and Fidelity Insurance Company. BUSINESS ADDRESS: Post Office Box 730, Littleton, Colo. 80160. UNDERWRITING LIMITATION b/: \$71,000. SURETY LICENSES c/: Colo., N. Mex., INCORPORATED IN: Colo. FEDERAL PROCESS AGENTS d/.

Continental Western Insurance Company. BUSINESS ADDRESS: Post Office Box 1594, Des Moines, Iowa 50306. UNDERWRITING LIMITATION b/: \$2,775,000. SURETY LICENSES c/: Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Ky., Me., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Tenn., Tex., Utah, Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Contractor's Bonding and Insurance Company. BUSINESS ADDRESS: 1213 Valley Street, Seattle, Wash. 98109. UNDERWRITING LIMITATION b/: \$125,000. SURETY LICENSES c/: Wash. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

Cooperativa de Seguros Multiples de Puerto Rico. BUSINESS ADDRESS: G.P.O. Box 3846, San Juan, Puerto Rico 00936. UNDERWRITING LIMITATION b/: \$1,752,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

Cornhusker Casualty Company. BUSINESS ADDRESS: Post Office Box 14490, Omaha, Nebr. 68124. UNDERWRITING LIMITATION b/: \$2,171,000. SURETY LICENSES c/: Colo., Iowa, Kans, Nebr., S. Dak., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

CORONET INSURANCE COMPANY. BUSINESS ADDRESS: 3500 West Peterson Avenue, Chicago, Ill. 60659. UNDERWRITING LIMITATION b/: \$701,000. SURETY LICENSES c/: Ill. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Cotton States Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 2214, Atlanta, Ga. 30301. UNDERWRITING LIMITATION b/: \$2,744,000. SURETY LICENSES c/: Ala., Fla., Ga., Miss., N.C., S.C., Tenn. INCORPORATED IN: Ga. FEDERAL PROCESS AGENTS d/.

Covenant Mutual Insurance Company. BUSINESS ADDRESS: 95 Woodland Street, Hartford, Conn. 06105. UNDERWRITING LIMITATION b/: \$3,102,000. SURETY LICENSES c/: Ariz., Cal., Conn., Fla., N.H., Oreg., Wash. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Cumis Insurance Society, Inc. BUSINESS ADDRESS: Post Office Box 1084, Madison, Wis. 53701. UNDERWRITING LIMITATION b/: \$2,791,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

DELTA CASUALTY COMPANY. BUSINESS ADDRESS: 4711 North Clark Street, Chicago, Ill. 60640. UNDERWRITING LIMITATION b/: \$294,000. SURETY LICENSES c/: Ill., Iowa. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Dependable Insurance Company, Inc. BUSINESS ADDRESS: Post Office Box 10169, Jacksonville, Fla. 32207. UNDERWRITING LIMITATION b/: \$1,222,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Me., Mass., N.H., N.J., N.Y., Puerto Rico, R.I., Vt., Virgin Islands. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

DEVELOPERS INSURANCE COMPANY. BUSINESS ADDRESS: Post Office Box 1159, Los Alamitos, Cal. 90720. UNDERWRITING LIMITATION b/: \$183,000. SURETY LICENSES c/: Cal., Nev. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Eastern Indemnity Company of Maryland. BUSINESS ADDRESS: 6001 Montrose Rd., Rockville, Md. 20852. UNDERWRITING LIMITATION b/: \$280,000. SURETY LICENSES c/: Ariz., Ark., D.C., Ind., La., Md., Mich., Miss., N. Mex., Oreg., Pa., S.C., Tex., Va. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/.

Empire Fire and Marine Insurance Company. BUSINESS ADDRESS: 1624 Douglas Street, Omaha, Nebr. 68102. UNDERWRITING LIMITATION b/: \$2,088,000. SURETY LICENSES c/: All except Cal., C.Z., Conn., Del., D.C., Guam, La., Md., Mass., N.J., N.Y., Oreg., Puerto Rico, R.I., Tenn., Virgin Islands, W. Va. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

The Employers' Fire Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: \$3,904,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

EMPLOYERS INSURANCE OF WAUSAU A Mutual Company. BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, Wis. 54401. UNDERWRITING LIMITATION b/: \$44,309,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

Employers Mutual Casualty Company. BUSINESS ADDRESS: Post Office Box 712, Des Moines, Iowa 50303. UNDERWRITING LIMITATION b/: \$10,476,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Employers Reinsurance Corporation. BUSINESS ADDRESS: 5200 Metcalf, Post Office Box 2991, Overland Park, Kansas 66201. UNDERWRITING LIMITATION b/: \$27,665,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

ENNIA REINSURANCE COMPANY OF AMERICA. BUSINESS ADDRESS: 127 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$1,036,000. SURETY LICENSES c/: Idaho, Iowa, N.Y., Tex. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Equitable General Insurance Company. BUSINESS ADDRESS: One Equitable General Place, Fort Worth, Tex. 76151. UNDERWRITING LIMITATION b/: \$6,114,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Farmers Alliance Mutual Insurance Company. BUSINESS ADDRESS: 1122 North Main Street, McPherson, Kansas 67460. UNDERWRITING LIMITATION b/: \$2,251,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Md., Mass., Mich., Minn., Mo., Mont., Nebr., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Oreg., S.C., S. Dak., Tex., Vt., Wash., Wyo. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/.

Farmland Mutual Insurance Company. BUSINESS ADDRESS: 1963 Bell Avenue, Des Moines, Iowa 50315. UNDERWRITING LIMITATION b/: \$2,173,000. SURETY LICENSES c/: Ark., Colo., Ill., Ind., Iowa, Kans., Ky., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.



Federal Insurance Company. BUSINESS ADDRESS: 51 John F. Kennedy Parkway, Short Hills, N.J. 07078. UNDERWRITING LIMITATION b/: \$35,155,000. SURETY LICENSES c/: All. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Federated Mutual Insurance Company. BUSINESS ADDRESS: 129 East Broadway, Owatonna, Minn. 55060. UNDERWRITING LIMITATION b/: \$16,206,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, N.H., Puerto Rico, Virgin Islands. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/.

The Fidelity and Casualty Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$7,305,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

Fidelity and Deposit Company. BUSINESS ADDRESS: Charles and Lexington Streets, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: \$251,000. SURETY LICENSES c/: Md., Tex. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/.

Fidelity and Deposit Company of Maryland. BUSINESS ADDRESS: Charles and Lexington Streets, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: \$9,663,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/.

Fireman's Fund Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94118. UNDERWRITING LIMITATION b/: \$78,282,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Firemen's Insurance Company of Newark, New Jersey. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$28,326,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

First Financial Insurance Company. BUSINESS ADDRESS: 401-417 Fayette Avenue, Springfield, Ill. 62704. UNDERWRITING LIMITATION b/: \$463,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Colo., Del., Ga., Idaho, Ill., Ind., Iowa, Ky., La., Miss., Mo., Mont., N. Mex., N. Dak., Okla., Oreg., S. Dak., Utah, Wash. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

First Insurance Company of Hawaii, Ltd. BUSINESS ADDRESS: Post Office Box 2866, Honolulu, Hawaii 96803. UNDERWRITING LIMITATION b/: \$2,304,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Colo., Guam, Hawaii, Ill., Ind., La., Minn., Mo., N.Y., Oreg., Utah, Wash. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

First National Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: \$2,206,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Me., N.H., N.J., N.Y., Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

FLORIDA FARM BUREAU MUTUAL INSURANCE COMPANY. BUSINESS ADDRESS: Post Office Box 730, Gainesville, Fla. 32602. UNDERWRITING LIMITATION b/: \$584,000. SURETY LICENSES c/: Fla. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

Fremont Indemnity Company. BUSINESS ADDRESS: 1709 West Eighth Street, Los Angeles, Cal. 90017. UNDERWRITING LIMITATION b/: \$10,033,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Colo., Idaho, Ill., Iowa, La. Mich., Mont., Nev., N. Mex., Ohio, Oreg., Pa., S. Dak., Tex., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Fritz Insurance Company. BUSINESS ADDRESS: 5105 Tollview Drive, Suite 195, Rolling Meadows, Ill. 60008. UNDERWRITING LIMITATION b/: \$59,000. SURETY LICENSES c/: N. Mex. INCORPORATED IN: N. Mex. FEDERAL PROCESS AGENTS d/.

GENERAL CASUALTY COMPANY OF WISCONSIN. BUSINESS ADDRESS: Post Office Box 369, Madison, Wis. 53701. UNDERWRITING LIMITATION b/: \$3,303,000. SURETY LICENSES c/: Ill., Ind., Iowa, Kans., Minn., Miss., Neb., N. Dak., S. Dak., Wis., (Reinsurance only in N.Y.) INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

General Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: \$13,485,000. SURETY LICENSES c/: All. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

General Reinsurance Corporation. BUSINESS ADDRESS: 600 Steamboat Road, Greenwich, Conn. 06830. UNDERWRITING LIMITATION b/: \$74,687,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

GLACIER GENERAL ASSURANCE COMPANY. BUSINESS ADDRESS: Post Office Box 4626, Missoula, Mont. 59806. UNDERWRITING LIMITATION b/: \$1,146,000. SURETY LICENSES c/: Cal., Idaho, Mo., N. Dak., Wyo. INCORPORATED IN: Mont. FEDERAL PROCESS AGENTS d/.

The Glens Falls Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$1,684,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Global Surety & Insurance Co. BUSINESS ADDRESS: 160 Kiewit Plaza, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: \$1,599,000. SURETY LICENSES c/: Ariz., Cal., Mont., Nebr., S. Dak. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

Globe Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$10,755,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Grain Dealers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 1747, Indianapolis, Ind. 46206. UNDERWRITING LIMITATION b/: \$1,900,000. SURETY LICENSES c/: All except Ala., Alaska, C.Z., Conn., Del., D.C., Fla., Guam, Idaho, Me., Md., Mass., Mont., N.H., N.J., N.Y., N. Dak., Pa., Puerto Rico, R.I., Utah, Vt., Virgin Islands, W. Va. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Granite State Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, N.H. 03107. UNDERWRITING LIMITATION b/: \$594,000. SURETY LICENSES c/: All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Puerto Rico. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

Great American Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: \$38,585,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Great Northern Insurance Company. BUSINESS ADDRESS: 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: \$2,073,000. SURETY LICENSES c/: All except Ala., Ark., Cal., C.Z., Conn., Guam, Idaho, N.C., Puerto Rico, Tenn., Virgin Islands, W. Va. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/.

Greater New York Mutual Insurance Company. BUSINESS ADDRESS: 215 Lexington Avenue, New York, N.Y. 10016. UNDERWRITING LIMITATION b/: \$4,491,000. SURETY LICENSES c/: All except Alaska, Ark., C.Z., Guam, Hawaii, La., N.J., Oreg., S.C., Tenn., Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Gulf Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: \$7,618,000. SURETY LICENSES c/: All except C.Z., Guam, Idaho, N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

The Hamilton Mutual Insurance Company of Cincinnati, Ohio. BUSINESS ADDRESS: 1520 Madison Road, Cincinnati, Ohio 45206. UNDERWRITING LIMITATION b/: \$468,000. SURETY LICENSES c/: Ind., Ky., Mich., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Hanover Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, Mass. 01605. UNDERWRITING LIMITATION b/: \$19,884,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

Harleysville Mutual Insurance Company. BUSINESS ADDRESS: 355 Maple Avenue, Harleysville, Pa. 19438. UNDERWRITING LIMITATION b/: \$10,501,000. SURETY LICENSES c/: Cal., Colo., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Miss., Mo., N.J., N. Mex., N.C., Ohio, Okla., Pa., S.C., Tenn., Tex., Utah, Va., W. Va. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Hartford Accident and Indemnity Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$75,738,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Hartford Casualty Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$8,385,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Hartford Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$137,622,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of Alabama. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$850,000. SURETY LICENSES c/: Ala. INCORPORATED IN: Ala. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of Illinois. BUSINESS ADDRESS: Hartford Plaza, Hartford Conn. 06115. UNDERWRITING LIMITATION b/: \$3,061,000. SURETY LICENSES c/: Ill. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of the Midwest. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$549,000. SURETY LICENSES c/: Ind. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of the Southeast. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$294,000. SURETY LICENSES c/: Fla., Ga., La. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

Hawkeye-Security Insurance Company. BUSINESS ADDRESS: 1017 Walnut Street, Des Moines, Iowa 50307. UNDERWRITING LIMITATION b/: \$2,325,000. SURETY LICENSES c/: Ariz., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Tex., Utah, Va., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Heritage Insurance Company of America. BUSINESS ADDRESS: 7366 North Lincoln Avenue, Lincolnwood, Ill. 60466. UNDERWRITING LIMITATION b/: \$446,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Colo., Fla., Ga., Ill., Mass., Mo., Nev., Okla., Oreg., Va., Wash. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Highlands Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, Tex. 77002. UNDERWRITING LIMITATION b/: \$14,922,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Highlands Underwriters Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, Tex. 77002. UNDERWRITING LIMITATION b/: \$1,122,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Fla., Ga., La., Miss., N. Mex., Okla., S.C., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

The Home Indemnity Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$4,783,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

The Home Insurance Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$52,661,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

Houston General Insurance Company. BUSINESS ADDRESS: Post Office Box 2932, Fort Worth, Tex. 76113-2932. UNDERWRITING LIMITATION b/: \$1,101,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Cal., Colo., Del., Fla., Ga., Ill., Iowa, Kans., Ky., La., Mich., Miss., Mo., Mont., N. Mex., N.Y., N. Dak., Okla., Oreg., S.C., S. Dak., Tenn., Tex., Utah, Wash., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Hudson Insurance Company. BUSINESS ADDRESS: 280 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: \$1,896,000. SURETY LICENSES c/: Cal., Del., Iowa, N.H., N.Y. (Reinsurance only in Colo., Md.) INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

IGF Insurance Company. BUSINESS ADDRESS: 315 Shops Building, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: \$370,000. SURETY LICENSES c/: Ariz., Colo., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., N. Dak., S. Dak., Wis. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

INA Reinsurance Company. BUSINESS ADDRESS: 1 Franklin Plaza, Philadelphia, Pa. 19102. UNDERWRITING LIMITATION b/: \$12,784,000. SURETY LICENSES c/: All except C.Z., Guam, Me., Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

INA Underwriters Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: \$11,458,000. SURETY LICENSES c/: All except Hawaii, La., Puerto Rico. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

IDEAL MUTUAL INSURANCE COMPANY. BUSINESS ADDRESS: 260 Madison Avenue, New York, N.Y. 10016. UNDERWRITING LIMITATION b/: \$1,317,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, N.H. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Illinois National Insurance Co. BUSINESS ADDRESS: 133 South 4th Street, Springfield, Ill. 62700. UNDERWRITING LIMITATION b/: \$1,142,000. SURETY LICENSES c/: Alaska, Ill., Ind., Iowa, Ky., Md., Mo., Mont., Nebr., N. Mex., N.Y., N. Dak., Ohio, S. Dak., Tex., Utah, Vt., W. Va. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Indemnity Company of California. BUSINESS ADDRESS: 820 North Parton Street, Santa Ana, Cal. 92701. UNDERWRITING LIMITATION b/: \$178,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Indemnity Insurance Company of North America. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: \$2,913,000. SURETY LICENSES c/: All. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Indiana Insurance Company. BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, Ind. 46204. UNDERWRITING LIMITATION b/: \$5,807,000. SURETY LICENSES c/: Fla., Idaho, Ill., Ind., Iowa, Ky., Mich., Ohio, Oreg., Wash., Wis. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Indiana Lumbermens Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 68600, Indianapolis, Ind. 46268. UNDERWRITING LIMITATION b/: \$1,087,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., Mont., Nebr., N. Mex., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Tenn., Tex., Utah, Va., Wash., Wis. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Industrial Indemnity Company. BUSINESS ADDRESS: Post Office Box 3660, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: \$11,565,000. SURETY LICENSES c/: All except C.Z., Conn., Puerto Rico, Virgin Islands, W. Va. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Inland Insurance Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, Nebr. 68501. UNDERWRITING LIMITATION b/: \$1,071,000. SURETY LICENSES c/: Colo., Iowa, Kans., Minn., Mont., Nebr., N. Dak., Okla., S. Dak., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

Insurance Company of North America. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: \$74,838,000. SURETY LICENSES c/: All. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Insurance Company of the Pacific Coast. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: \$638,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

The Insurance Company of the State of Pennsylvania. BUSINESS ADDRESS: 70 Pine Street, New York, N.Y. 10270. UNDERWRITING LIMITATION b/: \$4,277,000. SURETY LICENSES c/: All except C.Z., Guam, Kans., Puerto Rico. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Insurance Company of the West. BUSINESS ADDRESS: Post Office Box 81063, San Diego, Cal. 92138. UNDERWRITING LIMITATION b/: \$1,591,000. SURETY LICENSES c/: Ala., Ariz., Cal., Nev., Oreg., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Integon Indemnity Corporation. BUSINESS ADDRESS: Post Office Box 3199, Winston-Salem, N.C. 27152. UNDERWRITING LIMITATION b/: \$483,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Fla., Ga., Idaho, Ind., Iowa, Kans., Ky., La., Miss., Mo., Nebr., Nev., N. Mex., N.C., Okla., Oreg., S.C., Tenn., Tex., Utah, Va., Wash., W. Va. INCORPORATED IN: N.C. FEDERAL PROCESS AGENTS d/.

Integrity Insurance Company. BUSINESS ADDRESS: Mack Centre Drive - 5th Floor, Paramus, N.J. 07652. UNDERWRITING LIMITATION b/: \$1,651,000. SURETY LICENSES c/: All except C.Z., Guam, Nebr., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Integrity Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 539, Appleton, Wis. 54912. UNDERWRITING LIMITATION b/: \$305,000. SURETY LICENSES c/: Minn. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

International Cargo and Surety Insurance Company. BUSINESS ADDRESS: 700 Nicholas Boulevard, Elk Grove Village, Ill. 60007. UNDERWRITING LIMITATION b/: \$60,000. SURETY LICENSES c/: N. Mex. INCORPORATED IN: N. Mex. FEDERAL PROCESS AGENTS d/.

International Fidelity Insurance Company. BUSINESS ADDRESS: 24 Commerce Street, Newark, N.J. 07102. UNDERWRITING LIMITATION b/: \$175,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Colo., Del., Fla., Idaho, Ill., Ind., La., Md., Mass., Mich., Miss., Mo., Mont., Nev., N.J., N. Mex., N.Y., N. Dak., Okla., Oreg., Pa., Puerto Rico, S.C., S. Dak., Tex., Utah, Wash., Wyo. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

International Insurance Company. BUSINESS ADDRESS: 233 South Wacker Drive, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: \$3,074,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Kans., La., S.C., Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

International Service Insurance Company. BUSINESS ADDRESS: Post Office Box 1040, Fort Worth, Tex. 76101. UNDERWRITING LIMITATION b/: \$1,983,000. SURETY LICENSES c/: Alaska, Cal., Nebr., N. Mex., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

Investors Insurance Company of America. BUSINESS ADDRESS: 145 No. Franklin Turnpike, Ramsey, N.J. 07446. UNDERWRITING LIMITATION b/: \$1,019,000. SURETY LICENSES c/: Fla., Ga., N.J., N.Y. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Iowa National Mutual Insurance Company. BUSINESS ADDRESS: 518 Second Avenue, S.E., Post Office Box 111, Cedar Rapids, Iowa 52406. UNDERWRITING LIMITATION b/: \$4,984,000. SURETY LICENSES c/: All except Alaska, Ariz., Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, La., Me., Md., Mass., Miss., Nev., N.H., N.J., N. Mex., Ore., Puerto Rico, R.I., Tex., Vt., Virgin Islands, W. Va. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

John Deere Insurance Company. BUSINESS ADDRESS: 34th Avenue and 80th St., Moline, Ill. 61265. UNDERWRITING LIMITATION b/: \$4,057,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

The Kansas Bankers Surety Company. BUSINESS ADDRESS: Post Office Box 1654, Topeka, Kans. 66601. UNDERWRITING LIMITATION b/: \$202,000. SURETY LICENSES c/: D.C., Kans., Mo., Nebr., Wis. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/.

Kansas City Fire and Marine Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$887,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

Lawyers Surety Corporation. BUSINESS ADDRESS: 1221 River Bend Drive, Dallas, Tex. 75247. UNDERWRITING LIMITATION b/: \$318,000. SURETY LICENSES c/: Ala., Ark., Cal., Fla., Ga., Ill., Ky., Miss., N.C., Okla., S.C., Tenn., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Liberty Mutual Insurance Company. BUSINESS ADDRESS: 175 Berkeley Street, Boston, Mass. 02117. UNDERWRITING LIMITATION b/: \$105,055,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

Lumbermens Mutual Casualty Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: \$78,466,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Maine Bonding and Casualty Company. BUSINESS ADDRESS: Post Office Box 448, Portland, Me. 04112. UNDERWRITING LIMITATION b/: \$819,000. SURETY LICENSES c/: Me., Mass., N.H., R.I., Vt. INCORPORATED IN: Me. FEDERAL PROCESS AGENTS d/.

Maryland Casualty Company. BUSINESS ADDRESS: Post Office Box 1228, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: \$40,081,000. SURETY LICENSES c/: All except C.Z., Guam, Mass. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/.

Massachusetts Bay Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, Mass. 01605. UNDERWRITING LIMITATION b/: \$626,000. SURETY LICENSES c/: Ark., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Me., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.H., N.J., N.Y., N.C., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Vt., Va., Wash., Wis. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

Mead Reinsurance Corporation. BUSINESS ADDRESS: Courthouse Plaza, N.E., Dayton, Ohio 45463. UNDERWRITING LIMITATION b/: \$1,151,000. SURETY LICENSES c/: All except Ark., C.Z., Conn., D.C., Guam, Hawaii, Ill., Kans., Me., Md., Mass., Mo., Nebr., N.H., N.J., Puerto Rico, R.I., S. Dak., Vt., Virgin Islands, W. Va., Wis., Wyo. (Reinsurance only in Kans.) INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

The Mercantile and General Reinsurance Company of America. BUSINESS ADDRESS: 130 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$2,167,000. SURETY LICENSES c/: Cal., D.C., Idaho, Iowa, Ohio, Pa., Utah, Wis. (Reinsurance only in Colo., Conn., Ind., Kans., Okla., S.C., Tenn., Tex., W. Va.) INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Merchants Bonding Company (Mutual). 1\* BUSINESS ADDRESS: 2100 Grand Avenue, Des Moines, Iowa 50312. UNDERWRITING LIMITATION b/: \$296,000. SURETY LICENSES c/: Ariz., Cal., Iowa, Kans., Nebr., Okla., Tex. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Meritplan Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, Cal. 92660. UNDERWRITING LIMITATION b/: \$769,000. SURETY LICENSES c/: Ala., Ariz., Cal., Colo., Del., Fla., Ga., Hawaii, Ind., Iowa, Kan., Ky., La., Md., Mich., Minn., Miss., Mont., Nebr., Nev., N. Mex., N.Y., Ohio, Ore., S.C., Tex., Utah, Wash., Wis. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Michigan Millers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 30060, Lansing, Mich. 48909. UNDERWRITING LIMITATION b/: \$4,406,000. SURETY LICENSES c/: Ark., Cal., Colo., Fla., Ind., Kans., Ky., Mich., Mo., Nebr., N.J., N.Y., N.C., Ohio, Okla., Pa., Tenn., Tex., Va., Wash. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/.

Michigan Mutual Insurance Company. BUSINESS ADDRESS: 28 West Adams Avenue, Detroit, Mich. 48226. UNDERWRITING LIMITATION b/: \$13,099,000. SURETY LICENSES c/: All except C.Z., Del., D.C., Guam, Hawaii, Ore., Puerto Rico, Virgin Islands. (Fidelity only in D.C.) INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/.

Mid-Century Insurance Company. BUSINESS ADDRESS: Post Office Box 2478, Terminal Annex, Los Angeles, Cal. 90051. UNDERWRITING LIMITATION b/: \$2,230,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Del., Idaho, Ill., Ind., Iowa, Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Ore., Tex., Utah, Vt., Wash., Wis., Wyo. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

MID-CONTINENT CASUALTY COMPANY. BUSINESS ADDRESS: Post Office Box 1409, Tulsa, Oklahoma 74101. UNDERWRITING LIMITATION b/: \$2,285,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Ill., Iowa, Kans., Minn., Miss., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., S. Dak., Tex., Wyo. INCORPORATED IN: Okla. FEDERAL PROCESS AGENTS d/.

Midland Insurance Company. BUSINESS ADDRESS: 160 Water Street, New York, N.Y. 06115. UNDERWRITING LIMITATION b/: \$2,342,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

Midwestern Casualty & Surety Company. BUSINESS ADDRESS: 7628 Hickman Road, Des Moines, Iowa 50322. UNDERWRITING LIMITATION b/: \$80,000. SURETY LICENSES c/: Iowa. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

The Millers Mutual Fire Insurance Company of Texas. BUSINESS ADDRESS: Post Office Box 2269, Fort Worth, Tex. 76113. UNDERWRITING LIMITATION b/: \$3,192,000. SURETY LICENSES c/: Ark., Cal., Colo., D.C., Idaho, Ill., Ind., Iowa, La., Minn., Miss., Mo., Mont., Nebr., N.J., N. Mex., Okla., Oreg., Pa., Tex., Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Millers' Mutual Insurance Association of Illinois. BUSINESS ADDRESS: Post Office Box 339, Alton, Ill. 62002. UNDERWRITING LIMITATION b/: \$3,330,000. SURETY LICENSES c/: Ala., Ark., Colo., D.C., Ga., Ill., Ind., Iowa, Kans., La., Minn., Miss., Mo., N.C., Okla., S. Dak., Tenn., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Millers National Insurance Company. BUSINESS ADDRESS: 29 North Wacker Drive, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: \$1,006,000. SURETY LICENSES c/: All except Alaska, C.Z., Colo., Conn., Del., Guam, Hawaii, La., Me., Miss. Nev., N.H., Pa., Puerto Rico, R.I., Vt., Virgin Islands, Wash. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Minnesota Trust Company of Austin. BUSINESS ADDRESS: 107 West Oakland, Post Office Box 463, Austin, Minn. 55912. UNDERWRITING LIMITATION b/: \$75,000. SURETY LICENSES c/: Minn. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/.

Mission Insurance Company. BUSINESS ADDRESS: 2600 Wilshire Boulevard, Los Angeles, Cal. 90057. UNDERWRITING LIMITATION b/: \$18,634,000. SURETY LICENSES c/: All except C.Z., Guam, Me., N.H., Puerto Rico, Virgin Islands INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Morrison Assurance Company, Inc. BUSINESS ADDRESS: 5109 South Lois Avenue, Tampa, Fla. 33681. UNDERWRITING LIMITATION b/: \$526,000. SURETY LICENSES c/: Ala., Ariz., Ark., Fla., Ga., Ky., La., Miss., Mont., N. Mex., Okla., S.C., Tenn., Tex., Utah. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

MOTORS INSURANCE CORPORATION. BUSINESS ADDRESS: 3044 West Grand Boulevard, Detroit, Mich. 48202. UNDERWRITING LIMITATION b/: \$26,757,000. SURETY LICENSES c/: All except Alaska, C.Z., Colo., Conn., Guam, Hawaii, Kans., La., Mass., Mo., Mont., Nebr., N.H., Ohio, Oreg., Pa., Puerto Rico, Tenn., Utah, Va., Virgin Islands, Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Munich American Reinsurance Company. BUSINESS ADDRESS: 560 Lexington Avenue, New York, N.Y. 10022. UNDERWRITING LIMITATION b/: \$5,108,000. SURETY LICENSES c/: Ark., Cal., Colo., Del., D.C., Ga., Hawaii, Ill., Ind., Iowa, La., N.J., N.Y., Ohio, Pa., S.C., Tex., Va. (Reinsurance only in Conn., Kans., N.H., Okla., Vt.) INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

National American Insurance Company of New York. BUSINESS ADDRESS: 1515 S. 75th St., Post Office Box 3800, Omaha, Nebraska 68103. UNDERWRITING LIMITATION b/: \$1,392,000. SURETY LICENSES c/: All except Ariz., C.Z., Del., Guam, Hawaii, Mo., N. Mex., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

National Automobile and Casualty Insurance Company. BUSINESS ADDRESS: Post Office Box 7040, Pasadena, Cal. 91109. UNDERWRITING LIMITATION b/: \$776,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Nev., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

National-Ben Franklin Insurance Company of Illinois. BUSINESS ADDRESS: 200 South Wacker Drive, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: \$8,722,000. SURETY LICENSES c/: D.C., Ill., Ind., Iowa, Ky., Minn., N.Y., N.C., N. Dak., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

National-Ben Franklin Insurance Company of Michigan. BUSINESS ADDRESS: 26899 Northwestern Highway, Southfield, Mich. 48034. UNDERWRITING LIMITATION b/: \$2,494,000. SURETY LICENSES c/: D.C., Mich. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/.

National Bonding and Accident Insurance Company. BUSINESS ADDRESS: 4242 Lindell Boulevard, St. Louis, Mo. 63108. UNDERWRITING LIMITATION b/: \$238,000. SURETY LICENSES c/: All except C.Z., Guam, Mass., N.C., Puerto Rico, Virgin Islands, Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

National Fire Insurance Company of Hartford. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: \$11,523,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

National Grange Mutual Insurance Company. BUSINESS ADDRESS: 55 West Street, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: \$3,481,000. SURETY LICENSES c/: Conn., Del., D.C., Me., Md., Mass., N.H., N.Y., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

National Indemnity Company. BUSINESS ADDRESS: 3024 Harney Street, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: \$25,866,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Mass., N.J., N.Y., Puerto Rico. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

THE NATIONAL MUTUAL INSURANCE COMPANY. BUSINESS ADDRESS: Insurance Square, Celina, Ohio 45822. UNDERWRITING LIMITATION b/: \$573,000. SURETY LICENSES c/: Ill., Ind., Ky., Mich., Ohio, Pa., S. Dak., W. Va. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The National Reinsurance Corporation. BUSINESS ADDRESS: 777 Long Ridge Road, Post Office Box 10167, Stamford, Conn. 06904-2167. UNDERWRITING LIMITATION b/: \$7,225,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., S.C., S. Dak., Tenn., Virgin Islands, Wash., W. Va. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

National Surety Corporation. BUSINESS ADDRESS: 200 West Monroe Street, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: \$12,165,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

National Union Fire Insurance Company of Pittsburgh, Pa. BUSINESS ADDRESS: 70 Pine Street, New York, N.Y. 10270. UNDERWRITING LIMITATION b/: \$14,110,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

Nationwide Mutual Insurance Company. BUSINESS ADDRESS: One Nationwide Plaza, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: \$103,151,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Netherlands Insurance Company. BUSINESS ADDRESS: 62 Maple Avenue, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: \$739,000. SURETY LICENSES c/: Ariz., Cal., Idaho, Ind., Iowa, Me., Md., Mass., Mich., Nev., N.H., N.J., N.Y., N.C., Ohio, Oreg., Puerto Rico, R.I., Utah, Vt., Va., Virgin Islands, Wash., Wis. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

New Hampshire Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, N.H. 03107. UNDERWRITING LIMITATION b/: \$21,354,000. SURETY LICENSES c/: All. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

New South Insurance Company. BUSINESS ADDRESS: Post Office Box 3199, Winston-Salem, N.C. 27152. UNDERWRITING LIMITATION b/: \$444,000. SURETY LICENSES c/: Ind., Miss., N.C., Tex., Va., W. Va. INCORPORATED IN: N.C. FEDERAL PROCESS AGENTS d/.

New York Underwriters Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$6,673,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Newark Insurance Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$2,841,000. SURETY LICENSES c/: All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Niagara Fire Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$1,955,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

North American Reinsurance Corporation. BUSINESS ADDRESS: 100 East 46th St., New York, N.Y. 10017. UNDERWRITING LIMITATION b/: \$11,890,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

NORTH EAST INSURANCE COMPANY. BUSINESS ADDRESS: 959 Brighton Avenue, Portland, Me 04102. UNDERWRITING LIMITATION b/: \$440,000. SURETY LICENSES c/: Fla., La., Me., Miss., Nev., R.I. INCORPORATED IN: Me. FEDERAL PROCESS AGENTS d/.

The North River Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: \$11,662,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Northbrook Property and Casualty Insurance Company. BUSINESS ADDRESS: Allstate Plaza, Northbrook, Ill. 60062. UNDERWRITING LIMITATION b/: \$4,773,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

The Northern Assurance Company of America. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: \$6,554,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico. INCORPORATED IN: Vt. FEDERAL PROCESS AGENTS d/.

Northern Insurance Company of New York. BUSINESS ADDRESS: Post Office Box 91, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: \$2,574,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Northwestern National Casualty Company. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: \$476,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Guam, Hawaii, Me., Mass., Nev., N.H., N.J., N.Y., Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

Northwestern National Insurance Company of Milwaukee, Wisconsin. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: \$7,365,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

Northwestern National Surety Company. BUSINESS ADDRESS: 731 North Jackson Street, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: \$1,022,000. SURETY LICENSES c/: Wis. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

NORTHWESTERN PACIFIC INDEMNITY COMPANY. BUSINESS ADDRESS: Suite 500, Lloyd Bldg., 700 N.E. Multnomah Street, Portland, Oregon 97232. UNDERWRITING LIMITATION b/: \$1,016,000. SURETY LICENSES c/: Cal., Okla., Ore. INCORPORATED IN: Oreg. FEDERAL PROCESS AGENTS d/.

Occidental Fire & Casualty Company of North Carolina. BUSINESS ADDRESS: 5670 S. Syracuse Circle, Suite 500, Englewood, Colo. 80111. UNDERWRITING LIMITATION b/: \$614,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Hawaii, Me., Mass., N.J., Okla., Puerto Rico, Virgin Islands. INCORPORATED IN: N.C. FEDERAL PROCESS AGENTS d/.

Oceanic Insurance and Surety Company. BUSINESS ADDRESS: 5105 Tollview Drive, Suite 195, Rolling Meadows, Ill. 60008. UNDERWRITING LIMITATION b/: \$50,000. SURETY LICENSES c/: N. Mex. INCORPORATED IN: N. Mex. FEDERAL PROCESS AGENTS d/.

The Ohio Casualty Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45025. UNDERWRITING LIMITATION b/: \$36,855,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Ohio Farmers Insurance Company. BUSINESS ADDRESS: Westfield Center, Ohio 44251. UNDERWRITING LIMITATION b/: \$11,370,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Guam, Hawaii, Kans., Puerto Rico, Virgin Islands. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Oklahoma Surety Company. BUSINESS ADDRESS: Post Office Box 1409, Tulsa, Okla. 74101. UNDERWRITING LIMITATION b/: \$270,000. SURETY LICENSES c/: Kans., Okla., Tex. INCORPORATED IN: Okla. FEDERAL PROCESS AGENTS d/.

Old Republic Insurance Company. BUSINESS ADDRESS: Post Office Box 789, Greensburg, Pa. 15601. UNDERWRITING LIMITATION b/: \$918,000. SURETY LICENSES c/: All except C.Z., Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

The Omaha Indemnity Company. BUSINESS ADDRESS: 3201 Farnam Street, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: \$1,654,000. SURETY LICENSES c/: All except La., N.H., N.J. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

Oregon Automobile Insurance Company. BUSINESS ADDRESS: Post Office Box 74, Portland, Oreg. 97207. UNDERWRITING LIMITATION b/: \$2,840,000. SURETY LICENSES c/: Idaho, Nev., Oreg., Utah, Wash. INCORPORATED IN: Oreg. FEDERAL PROCESS AGENTS d/.

Pacific Employers Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: \$7,422,000. SURETY LICENSES c/: All except Puerto Rico. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Pacific Indemnity Company. BUSINESS ADDRESS: 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: \$7,925,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Pacific Insurance Company, Limited. BUSINESS ADDRESS: Post Office Box 1140, Honolulu, Hawaii 96807. UNDERWRITING LIMITATION b/: \$3,198,000. SURETY LICENSES c/: Hawaii. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

Peerless Insurance Company. BUSINESS ADDRESS: 62 Maple Avenue, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: \$3,258,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

Pekin Insurance Company. BUSINESS ADDRESS: 2505 Court Street, Pekin, Ill. 61558. UNDERWRITING LIMITATION b/: \$814,000. SURETY LICENSES c/: Ill., Ind., Iowa. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Pennsylvania Manufacturers' Association Insurance Company. BUSINESS ADDRESS: 925 Chestnut Street, Philadelphia, Pa. 19107. UNDERWRITING LIMITATION b/: \$6,180,000. SURETY LICENSES c/: All except Ala., Ark., C.Z., Conn., Guam, Hawaii, Kans., Me., Minn., N. Dak., Oreg., Puerto Rico, R.I., S. Dak., Virgin Islands, Wyo. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Pennsylvania Millers Mutual Insurance Company. BUSINESS ADDRESS: 15 Public Square, Wilkes-Barre, Pa. 18773-0016. UNDERWRITING LIMITATION b/: \$2,160,000. SURETY LICENSES c/: Ark., Conn., D.C., Fla., Ga., Ind., Kans., Ky., Me., Md., Mass., Miss., Mo., N.H., N.J., N.Y., N.C., N. Dak., Pa., R.I., S.C., Tenn., Vt., Va. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Pennsylvania National Mutual Casualty Insurance Company. BUSINESS ADDRESS: 1900 Derry Street, Harrisburg, Pa. 17105. UNDERWRITING LIMITATION b/: \$6,548,000. SURETY LICENSES c/: All except Cal., C.Z., Conn., Guam, Hawaii, Nev., N.H., N. Dak., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

The Personal Service Insurance Co. BUSINESS ADDRESS: 100 East Gay Street, Columbus, Ohio 43215. UNDERWRITING LIMITATION b/: \$390,000. SURETY LICENSES c/: Ind., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Phoenix Assurance Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$5,378,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

The Phoenix Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$25,491,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

PLANET INSURANCE COMPANY. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: \$498,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

PRESTIGE CASUALTY COMPANY. BUSINESS ADDRESS: 5454 West Fargo Avenue, Skokie, Ill. 60077. UNDERWRITING LIMITATION b/: \$653,000. SURETY LICENSES c/: Ariz., Ill., Ind., Mich., Ohio, Tex. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Progressive Casualty Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, Ohio 44143. UNDERWRITING LIMITATION b/: \$8,231,000. SURETY LICENSES c/: All except Ariz., C.Z., Conn., Del., D.C., Guam, Hawaii, Ill., Kans., La., Md., Nebr., N.H., N.Y., N.C., Puerto Rico, S.C., Tex., Utah, Va., Virgin Islands, W. Va., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Progressive Mutual Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, Ohio 44143. UNDERWRITING LIMITATION b/: \$599,000. SURETY LICENSES c/: N.J., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Protective Insurance Company. BUSINESS ADDRESS: 3100 North Meridian Street, Indianapolis, Ind. 46208. UNDERWRITING LIMITATION b/: \$2,524,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Prudential Reinsurance Company. BUSINESS ADDRESS: 213 Washington Street, Post Office Box 908, Newark, N.J. 07101. UNDERWRITING LIMITATION b/: \$17,913,000. SURETY LICENSES c/: All except C.Z., Guam, La., Mo., Nev., N.C., Okla., Puerto Rico, S.C., Va., Virgin Islands, W. Va., Wyo. (Reinsurance only in Mo., N.C., W. Va.) INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Public Service Mutual Insurance Company. BUSINESS ADDRESS: 393 Seventh Avenue, New York, N.Y. 10001. UNDERWRITING LIMITATION b/: \$4,261,000. SURETY LICENSES c/: Ariz., Colo., Conn., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Me., Md., Mass., Mich., Minn., Miss., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., R.I., S.C., Vt., Va., W. Va., Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Puerto Rican-American Insurance Company. BUSINESS ADDRESS: Post Office Box 9-112, San Juan, Puerto Rico 00902. UNDERWRITING LIMITATION b/: \$2,537,000. SURETY LICENSES c/: Puerto Rico, Virgin Islands. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

Puritan Insurance Company. BUSINESS ADDRESS: Post Office Box 8900, Stamford, Conn. 06904. UNDERWRITING LIMITATION b/: \$6,066,000. SURETY LICENSES c/: All except Ala., C.Z.; Del., Guam, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.



Ranger Insurance Company. BUSINESS ADDRESS: Post Office Box 2807, Houston, Tex. 77001. UNDERWRITING LIMITATION b/: \$4,638,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Regent Insurance Company. BUSINESS ADDRESS: Post Office Box 369, Madison, Wis. 53701. UNDERWRITING LIMITATION b/: \$1,988,000. SURETY LICENSES c/: Ill., Ind., Iowa, Kans., Minn., Miss., Nebr., N. Dak., S. Dak., Wis. (Reinsurance only in N.Y.) INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

The Reinsurance Corporation of New York. BUSINESS ADDRESS: 99 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$3,086,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. (Co-surety only in Fla., Mass., Va.) INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Reliance Insurance Company. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: \$36,192,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Reliance Insurance Company of New York. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: \$749,000. SURETY LICENSES c/: N.Y. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Republic-Franklin Insurance Company. BUSINESS ADDRESS: Post Office Box 1438, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: \$187,000. SURETY LICENSES c/: Ind., Mich., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Republic Insurance Company. BUSINESS ADDRESS: Post Office Box 223000, Dallas, Texas 75222. UNDERWRITING LIMITATION b/: \$9,083,000. SURETY LICENSES c/: all except Ala., Alaska, C.Z., Fla., Guam, Me., Mass., Mont., N.H., N. Dak., R.I., S. Dak., Vt., Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Republic Western Insurance Company. BUSINESS ADDRESS: 2721 North Central Avenue, Phoenix, Ariz. 85004. UNDERWRITING LIMITATION b/: \$1,732,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, Kans., La., Me., N.H., Okla., Puerto Rico, R.I., Virgin Islands, Wyo. INCORPORATED IN: Ariz. FEDERAL PROCESS AGENTS d/.

Royal Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$9,118,000. SURETY LICENSES c/: All except Puerto Rico, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Royal Insurance Company of America. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$15,311,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

S & H Insurance Company. BUSINESS ADDRESS: 3550 Camino Del Rio North, San Diego, Cal. 92108. UNDERWRITING LIMITATION b/: \$1,147,000. SURETY LICENSES c/: Ariz., Cal., Fla., Md., Miss., Nev., N. Mex., Okla., Oreg., S.C., Tex., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

SAFECO Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: \$16,813,000. SURETY LICENSES c/: All except C.Z., N.Y., Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

SAFECO Insurance Company of Illinois. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: \$1,446,000. SURETY LICENSES c/: Ill. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

SAFECO National Insurance Company. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: \$1,257,000. SURETY LICENSES c/: Mo., N.Y. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

St. Paul Fire and Marine Insurance Company. BUSINESS ADDRESS: 385 Washington Street, St. Paul, Minn. 55102. UNDERWRITING LIMITATION b/: \$70,602,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/.

Seaboard Surety Company. BUSINESS ADDRESS: 90 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$4,943,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Security Insurance Company of Hartford. BUSINESS ADDRESS: Post Office Box 420, Hartford, Conn. 06141. UNDERWRITING LIMITATION b/: \$2,790,000. SURETY LICENSES c/: All except C.Z., Guam, Mass., N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Security National Insurance Company. BUSINESS ADDRESS: Post Office Box 225028, Dallas, Tex. 75265. UNDERWRITING LIMITATION b/: \$643,000. SURETY LICENSES c/: Ark., Cal., Colo., Ill., Ind., Kans., Ky., N. Mex., Ohio, Okla., Oreg., Tex., Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Select Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: \$1,215,000. SURETY LICENSES c/: All except Ariz., C.Z., Conn., Del., Guam, Hawaii, La., Me., Md., Mass., N.H., N.J., N.Y., N. Dak., Pa., Puerto Rico, R.I., Tenn., Utah, Va., Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Selected Risks Insurance Company. BUSINESS ADDRESS: Wantage Avenue, Branchville, N.J. 07826. UNDERWRITING LIMITATION b/: \$8,727,000. SURETY LICENSES c/: Del., D.C., Md., N.J., Pa., Va. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

SENTINEL INSURANCE COMPANY, LTD. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$757,000. SURETY LICENSES c/: Hawaii. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

Sentry Indemnity Company. BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, Wis. 54481. UNDERWRITING LIMITATION b/: \$873,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Mass., Mich., Nebr., N.H., N.J., N.Y., Pa., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

**Sentry Insurance a Mutual Company.** BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, Wis. 54481.  
 UNDERWRITING LIMITATION b/: \$12,151,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

**Skandia America Reinsurance Corporation.** BUSINESS ADDRESS: 280 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: \$9,009,000. SURETY LICENSES c/: Ariz., Cal., Del., D.C., Ill., Ind., Iowa, Mich., Miss., Nebr., N.J., N.Y., Ohio, Okla., Pa., Utah, Wash., Wis. (Reinsurance only in Alaska, Colo., Fla., Ga., Kans., Md., Mass., N.H., S.C., Tex., Vt., W. Va.) INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

**South Carolina Insurance Company.** BUSINESS ADDRESS: Post Office Box #1, Columbia, S.C. 29202. UNDERWRITING LIMITATION b/: \$14,020,000. SURETY LICENSES c/: All except Ark., C.Z., Conn., Del., Guam, Hawaii, Idaho, Kans., La., Me., Mass., N.H., Oreg., Puerto Rico, R.I., Vt., Virgin Islands, Wash. (Reinsurance only in Conn.) INCORPORATED IN: S.C. FEDERAL PROCESS AGENTS d/.

**The Standard Fire Insurance Company.** BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: \$11,054,000. SURETY LICENSES c/: All except C.Z., Guam, N.J. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

**State Automobile Mutual Insurance Company.** BUSINESS ADDRESS: 518 East Broad Street, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: \$11,803,000. SURETY LICENSES c/: Ala., Ark., Fla., Ga., Ill., Ind., Ky., Md., Mich., Miss., Mo., N.J., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

**State Farm Fire and Casualty Company.** BUSINESS ADDRESS: 112 East Washington Street, Bloomington, Ill. 61701. UNDERWRITING LIMITATION b/: \$117,742,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

**State Surety Company.** BUSINESS ADDRESS: 645 Insurance Exchange Building, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: \$309,000. SURETY LICENSES c/: Ariz., Colo., D.C., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Dak., Okla., S. Dak., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

**Surety Company of the Pacific.** BUSINESS ADDRESS: Post Office Box 2105, Santa Monica, Cal. 90406. UNDERWRITING LIMITATION b/: \$175,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

**Surety Insurance Company of California.** BUSINESS ADDRESS: Post Office Box 2430, La Habra, Cal. 90631. UNDERWRITING LIMITATION b/: \$118,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Cal., Colo., Ga., Kans., Miss., Mo., Nev., N. Mex., Okla., Oreg., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

**TEXAS PACIFIC INDEMNITY COMPANY.** BUSINESS ADDRESS: Diamond Shamrock Tower, 717 N. Harwood, Dallas, Tex. 75201. UNDERWRITING LIMITATION b/: \$322,000. SURETY LICENSES c/: Ark., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

**Transamerica Insurance Company.** BUSINESS ADDRESS: 1150 South Olive Street, Los Angeles, Cal. 90015. UNDERWRITING LIMITATION b/: \$22,617,000. SURETY LICENSES c/: All except C.Z., Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

**Transamerica Insurance Company of Michigan.** BUSINESS ADDRESS: 1150 South Olive Street, Los Angeles, Cal. 90015. UNDERWRITING LIMITATION b/: \$9,438,000. SURETY LICENSES c/: Ark., Ill., Ind., Iowa, Kans., Mich., Minn., Ohio, S. Dak. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/.

**Transcontinental Insurance Company.** BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: \$2,916,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

**Transport Indemnity Company.** BUSINESS ADDRESS: 3670 Wilshire Boulevard, Los Angeles, Cal. 90010. UNDERWRITING LIMITATION b/: \$2,376,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

**Transportation Insurance Company.** BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: \$1,584,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands, W. Va. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

**The Travelers Indemnity Company.** BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$91,725,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

**The Travelers Indemnity Company of Rhode Island.** BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$8,643,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: R.I. FEDERAL PROCESS AGENTS d/.

**Trinity Universal Insurance Company.** BUSINESS ADDRESS: Post Office Box 225028, Dallas, Tex. 75265. UNDERWRITING LIMITATION b/: \$33,549,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Mich., Miss., Mo., Nebr., N. Mex., Ohio, Okla., Oreg., Tex., Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

**Trinity Universal Insurance Company of Kansas, Inc.** BUSINESS ADDRESS: Post Office Box 225028, Dallas, Tex. 75265. UNDERWRITING LIMITATION b/: \$351,000. SURETY LICENSES c/: Ala., Ariz., Colo., Ga., Kans., Ky., La., Ohio, Okla., Tex. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/.

**Tri-State Insurance Company.** BUSINESS ADDRESS: Post Office Box 3269, Tulsa, Okla. 74102. UNDERWRITING LIMITATION b/: \$1,455,000. SURETY LICENSES c/: Ala., Ariz., Ark., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., S. Dak., Tenn., Tex., Utah, Wash., Wyo. INCORPORATED IN: Okla. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

Twin City Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: \$3,122,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/.

ULICO CASUALTY COMPANY. BUSINESS ADDRESS: 850 Third Avenue, New York, N.Y. 10022. UNDERWRITING LIMITATION b/: \$539,000. SURETY LICENSES c/: Ariz., Colo., Del., D.C., Idaho, Kans., Md., Mich., Mont., N. Mex., N.D., Ohio, Oreg., Pa., S.C., Tex., Va., Wash. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Unigard Mutual Insurance Company. BUSINESS ADDRESS: 1215 Fourth Avenue, Seattle, Wash. 98161. UNDERWRITING LIMITATION b/: \$3,601,000. SURETY LICENSES c/: All except C.Z., Conn., Ga., Guam, N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

Union Indemnity Insurance Company of New York. BUSINESS ADDRESS: 260 Madison Avenue, New York, N.Y. 10016. UNDERWRITING LIMITATION b/: \$746,000. SURETY LICENSES c/: All except Cal., C.Z., Guam, Kans., Me., Md., Minn., N.C., Puerto Rico, S.D., Virgin Islands, W. Va., Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

United Fire & Casualty Company. BUSINESS ADDRESS: Post Office Box 4909, Cedar Rapids, Iowa 52407. UNDERWRITING LIMITATION b/: \$2,483,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Calif., Colo., Idaho, Ill., Ind., Iowa, Kans., La., Minn., Miss., Mo., Mont., Nebr., N.J., N. Mex., N.Y., N. Dak., Ohio, S.C., S. Dak., Tex., Utah, Wash., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

UNITED NATIONAL INSURANCE COMPANY. BUSINESS ADDRESS: 1737 Chestnut Street, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: \$919,000. SURETY LICENSES c/: Pa. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

United Pacific Insurance Company. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: \$4,381,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

United Pacific Insurance Company of New York. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: \$715,000. SURETY LICENSES c/: N.Y. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

United States Fidelity and Guaranty Company. BUSINESS ADDRESS: 100 Light Street, Post Office Box 1138, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: \$106,165,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/.

United States Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: \$25,984,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

UNIVERSAL INSURANCE COMPANY. BUSINESS ADDRESS: G.P.O. Box 71338, San Juan, Puerto Rico 00936. UNDERWRITING LIMITATION b/: \$1,056,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

Universal Security Insurance Company. BUSINESS ADDRESS: 5454 Fargo Avenue, Skokie, Illinois 60077. UNDERWRITING LIMITATION b/: \$380,000. SURETY LICENSES c/: Ala., Ark., Fla., Ga., Ill., Iowa, Ky., La., Miss., Mo., Oreg., Tenn., Wash. INCORPORATED IN: Tenn. FEDERAL PROCESS AGENTS d/.

Universal Surety Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, Nebr. 68501. UNDERWRITING LIMITATION b/: \$603,000. SURETY LICENSES c/: Ariz., Colo., Idaho, Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Utah, Wash., Wis., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

Universal Underwriters Insurance Company. BUSINESS ADDRESS: 5115 Oak Street, Kansas City, Mo. 64112. UNDERWRITING LIMITATION b/: \$14,135,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

Utica Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 530, Utica, N.Y. 13503. UNDERWRITING LIMITATION b/: \$8,972,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Valley Forge Insurance Company. BUSINESS ADDRESS: ONA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: \$2,695,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Van Tol Surety Company, Incorporated. BUSINESS ADDRESS: 424 Fifth Street, Brookings, S. Dak. 57006. UNDERWRITING LIMITATION b/: \$131,000. SURETY LICENSES c/: S. Dak. INCORPORATED IN: S. Dak. FEDERAL PROCESS AGENTS d/.

Vigilant Insurance Company. BUSINESS ADDRESS: 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$4,758,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

VOYAGER CASUALTY INSURANCE COMPANY. BUSINESS ADDRESS: Post Office Box 2918, Jacksonville, Fla. 32203. UNDERWRITING LIMITATION b/: \$417,000. SURETY LICENSES c/: Ala., Fla., Ga. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

Washington International Insurance Company. BUSINESS ADDRESS: 700 Nicholas Blvd., Elk Grove Village, Ill. 60007. UNDERWRITING LIMITATION b/: \$249,000. SURETY LICENSES c/: Ariz., Cal., Fla., Ill., Md., Mass., N.Y., Oreg., Tex., Wash. INCORPORATED IN: Ariz. FEDERAL PROCESS AGENTS d/.

West American Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45026. UNDERWRITING LIMITATION b/: \$22,908,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Guam, Hawaii, Me., Mass., Mont., N.H., Puerto Rico, R.I., Vt., Virgin Islands, W. Va. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Westchester Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: \$11,900,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

\*See footnotes at end of table.

The Western Casualty and Surety Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, Kans. 66701. UNDERWRITING LIMITATION b/: \$19,353,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Hawaii, Me., Mass., N.H., N.Y., Puerto Rico, Vt., Va., Virgin Islands. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/.

The Western Fire Insurance Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, Kans. 66701. UNDERWRITING LIMITATION b/: \$12,220,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Del., D.C., Ga., Guam, Hawaii, La., Me., Md., Mass., N.H., N.J., Oreg., Puerto Rico, S.C., Vt., Virgin Islands. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/.

Western Surety Company. BUSINESS ADDRESS: 908 West Avenue North, Sioux Falls, S. Dak. 57192. UNDERWRITING LIMITATION b/: \$2,127,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: S. Dak. FEDERAL PROCESS AGENTS d/.

Westfield Insurance Company. BUSINESS ADDRESS: Westfield Center, Ohio 44251. UNDERWRITING LIMITATION b/: \$4,800,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Fla., Guam, Hawaii, Me., Puerto Rico, Virgin Islands. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Wilshire Insurance Company. BUSINESS ADDRESS: 5670 S. Syracuse Circle, Suite 500, Englewood, Colo. 80111. UNDERWRITING LIMITATION b/: \$715,000. SURETY LICENSES c/: Ariz., Cal., Colo., Hawaii, Idaho, Iowa, Kans., Mont., Nebr., Nev., N. Mex., Oreg., S. Dak., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Worldwide Underwriters Insurance Company. BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, Wis. 54401. UNDERWRITING LIMITATION b/: \$754,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., Del., Fla., Ga., Idaho, Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.Y., N. Dak., Okla., Oreg., Pa., S.C., S.Dak., Utah, Va., Wash., Wis. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

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COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE REINSURING COMPANIES  
UNDER SECTION 223.3(b) OF TREASURY CIRCULAR NO. 297, REVISED SEPTEMBER 1, 1978 (See Note (e)) \*

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Alliance Assurance Company, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: \$2,831,000. FEDERAL PROCESS AGENTS: D.C.

The Canadian Indemnity Company, Winnipeg, Manitoba, Canada. BUSINESS ADDRESS (U.S. Office): 3350 Harbor Boulevard, Costa Mesa, Cal. 92626. UNDERWRITING LIMITATION b/: \$2,035,000. FEDERAL PROCESS AGENTS: D.C.

The London Assurance, London, England. BUSINESS ADDRESS (U.S. Office): 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: \$3,938,000. FEDERAL PROCESS AGENTS: D.C.

Munich Reinsurance Company, Munich, Germany. BUSINESS ADDRESS (U.S. Office): 560 Lexington Avenue, New York, N.Y. 10022. UNDERWRITING LIMITATION b/: \$4,755,000. FEDERAL PROCESS AGENTS: D.C.

Rochdale Insurance Company. BUSINESS ADDRESS: 99 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: \$488,000. FEDERAL PROCESS AGENTS: D.C.

The Sea Insurance Company, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: \$2,356,000. FEDERAL PROCESS AGENTS: D.C.

Sun Insurance Office, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: \$3,647,000. FEDERAL PROCESS AGENTS: D.C.

Swiss Reinsurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 100 East 46th Street, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: \$15,680,000. FEDERAL PROCESS AGENTS: D.C.

The Tokio Marine and Fire Insurance Company, Limited, Tokyo, Japan. BUSINESS ADDRESS (U.S. OFFICE): 55 Water Street, New York, N.Y. 10041. UNDERWRITING LIMITATION b/: \$5,955,000. FEDERAL PROCESS AGENTS: D.C.

"Winterthur" Swiss Insurance Company, Winterthur, Switzerland. BUSINESS ADDRESS (U.S. Office): One World Trade Center, Suite 8419, New York, N.Y. 10048. UNDERWRITING LIMITATION b/: \$5,870,000. FEDERAL PROCESS AGENTS: D.C.

Zurich Insurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 231 North Martingale Road, Schaumburg, Ill. 60196. UNDERWRITING LIMITATION b/: \$15,013,000. FEDERAL PROCESS AGENTS: D.C.

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FOOTNOTES

- 1\* Merchants Mutual Bonding Company, Des Moines, Iowa -- changed its name to Merchants Bonding Company (Mutual) (See Federal Register of May 12, 1982, pg. 20434)

PLEASE READ THE SUPPORTING NOTES  
ON THE NEXT PAGE

## NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually. Companies holding certificates of authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies.

(b) Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation, and excess risks must be protected by co-insurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised September 1, 1978 (31 CFR Section 223.10, Section 223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Treasury reinsurance form to be filed with the bond or within 45 days thereafter. Risks in excess of the limit fixed herein must be reported for the quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) a bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR Section 223.5(b)). The term "other area" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(d) FEDERAL PROCESS AGENTS: Treasury approved surety companies are required to appoint Federal process agents in accord with 6 U.S.C. 7 and 31 C.F.R. 224 in the following districts: Where the principal resides; where the obligation is to be performed; and in the District of Columbia where the bond is returnable or filed. No process agent is required in the state or other area wherein the company is incorporated (31 CFR Section 224.2). Beginning with the 1980 publication of the Treasury Circular 570, surety companies' individual listings of Federal process agent appointments will no longer be printed in the Circular 570. However, the name and address of a particular surety's process agent in a particular Federal Judicial District may be obtained from the Clerk of the U.S. District Court in that district. (The appointment documents are on file with the clerks.) (NOTE: A surety company's underwriting agent who furnishes its bonds may or may not be its authorized process agent.)

SERVICE OF PROCESS: Process should be served on the Federal process agent appointed by a surety in a judicial district, except where the appointment of such agent is pending or during the absence of such agent from the district. Only in the event an agent has not been duly appointed, or the appointment is pending, or the agent is absent from the district, should process be served directly on the Clerk of the court pursuant to the provisions of 6 U.S.C. 7.

Title 6, Section 7 of the U.S. Code provides that in the absence of any agent of a company, service of process may be made upon the Clerk of the court within the district where suit is brought, with like effect as upon an agent appointed by the company. The officer serving process upon the Clerk should immediately transmit a copy of the summons by mail to the corporate secretary of the company (at the business address shown in Treasury Circular 570), and state such fact in his return. A judgment, decree, or order of a court entered or made after service of process will be as valid and binding on the company as if served with process in said district.

(e) Companies holding certificates of authority as acceptable reinsuring companies are acceptable only as reinsuring companies on Federal bonds.

[FR Dec. 82-16855 Filed 6-30-82; 8:45 am]

BILLING CODE 4810-35-C

**Estimated  
Receipt  
Schedule**

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**Thursday  
July 1, 1982**

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**Part III**

**Department of the  
Interior**

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**Minerals Management Service**

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**Outer Continental Shelf Oil and Gas  
Operations; Personnel Safety and  
Protection in Hydrogen Sulfide-Prone  
Areas**

## DEPARTMENT OF THE INTERIOR

## Minerals Management Service

## Outer Continental Shelf Oil and Gas Operations; Personnel Safety and Protection in Hydrogen Sulfide-Prone Areas

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice to amend Section 5.2, *Personnel Safety and Protection*, of the Hydrogen Sulfide (H<sub>2</sub>S) Standard.

**SUMMARY:** The Minerals Management Service (MMS) herein amends certain requirements of Section 5.2, *Personnel Safety and Protection*, of the MMS Outer Continental Shelf (OCS) Standard MMSS-OCS-1 (formerly GSS-OCS-1), "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," First Edition, February 1976, concerning personnel safety and protection in H<sub>2</sub>S-prone areas on the OCS.

The amendment rescinds the requirement that personnel undergo an eardrum examination before assignment to H<sub>2</sub>S-prone areas and rescinds the requirement that personnel with perforated eardrums be prohibited from working in an H<sub>2</sub>S environment. These requirements are unnecessary, expensive, and burdensome.

In addition, the amendment requires the use of pressure-demand-type respirators that will increase personnel safety. Data available indicate that only pressure-demand-type respirators provide the protection needed in H<sub>2</sub>S-prone areas.

**EFFECTIVE DATE:** The amendment becomes effective on August 2, 1982.

**ADDRESSES:** Reprints of this Notice may be obtained after July 22, 1982, from the following:

Minerals Manager, Alaska OCS Region, Minerals Management Service, U.S. Department of the Interior, P.O. Box 259, Anchorage, Alaska 99510;

Minerals Manager, Atlantic OCS Region, Minerals Management Service, U.S. Department of the Interior, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180;

Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, U.S. Department of the Interior, P.O. Box 7944, Metairie, Louisiana 70010;

Minerals Manager, Pacific OCS Region, Minerals Management Service, U.S. Department of the Interior, 1340 West Sixth Street, Los Angeles, California 90017;

Chief, Offshore Minerals, Management Division, MS 640, Minerals

Management Service, U.S. Department of the Interior, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

**FOR FURTHER INFORMATION CONTACT:** Lloyd M. Tracey, Branch of Offshore Rules and Procedures, Mail Stop 640, Minerals Management Service, 12203 Sunrise Valley Drive, Reston, Virginia 22091; telephone (703) 860-7916 or FTS 928-7916.

**SUPPLEMENTARY INFORMATION:** Under Title 30 of the Code of Federal Regulations, §§ 250.10 and 250.11, and in accordance with the Delegation of Authority published March 14, 1980 (45 FR 16570), and under the authority published February 2, 1982 (45 FR 4751), the Chief, Offshore Minerals, Management Division (C/OMMD), hereby amends section 5.2 of Standard MMSS-OCS-1, as set forth below. This standard is incorporated by reference as a requirement in Paragraph 8, *Hydrogen Sulfide*, of OCS Order No. 2, applicable to all regions of the OCS. This Order implements 30 CFR 250.41, Control of wells.

## Background

Section 5.2 of Standard MMSS-OCS-1 presently provides:

*Personnel Safety and Protection.* All personnel shall undergo an eardrum examination before assignment to H<sub>2</sub>S prone areas. Personnel with perforated eardrums shall be prohibited from working in an H<sub>2</sub>S environment.

The MMS has medical data to support the contention that these requirements are medically and scientifically unwarranted, they do not improve the health or safety protection of personnel, they are expensive and burdensome to implement, and they are not necessary. When the Standard was originally developed, there was a divergence of opinion on the need for these requirements. After considering the available evidence, the Conservation Division of the U.S. Geological Survey (USGS) (now MMS) adopted the above requirements. This decision was based on the opinions of recognized authorities who believed that a person, while using a breathing apparatus in an H<sub>2</sub>S environment, could inhale the toxic gas through a perforated eardrum and the eustachian tube.

Subsection 5.2.5, paragraph (a), did not specify a type of protective breathing apparatus. Now, the MMS has data which indicate that only pressure-demand-type respirators are adequate protection for personnel working in H<sub>2</sub>S or sulfur dioxide (SO<sub>2</sub>) environments.

As a result of our review of the data available and information contained in our files, the MMS reconsidered these

requirements and published in the *Federal Register* on December 28, 1981 (46 FR 62716), a notice to propose an amendment to section 5.2 with a request for comments. Appropriate suggestions received in response to that request have been incorporated in the amendment of section 5.2.

Comments were received during the comment period from the following organizations:

Arco Oil and Gas Company.  
Atlantic Richfield Company.  
Champlin Petroleum Company.  
Chevron U.S.A. Inc.  
Conoco Inc.  
Exxon Company, U.S.A.  
Offshore Operators Committee.  
Standard Oil Company of California (Chevron).  
Sun Production Company.  
Transco Exploration Company.  
Union Oil Company of California.

Summaries of the comments received and discussions for accepting or rejecting the suggestions of the commenters follow.

## Summaries and Discussions of Comments Received

All commenters agreed that the revocation of the eardrum examination and the revocation of the prohibition of personnel with perforated eardrums from working in an H<sub>2</sub>S environment were warranted. Seven of those commenters also agreed that the requirement for use of pressure-demand-type respirators was adequate and acceptable, but four commenters had reservations or observations that are discussed below.

**Comment:** One commenter agreed that the revocation of the eardrum examination was reasonable, but did not agree that the requirements concerning the pressure-demand-type respirator was necessary because it was not practical or economically feasible. The commenter stated: "An entire vessel should not be affected if the 'H<sub>2</sub>S or SO<sub>2</sub> environment' is confined to closed vessels entered only for maintenance or inspection." The commenters suggested that " 'H<sub>2</sub>S or SO<sub>2</sub> environments' should be defined as those areas exhibiting concentrations of H<sub>2</sub>S and SO<sub>2</sub> in excess of Federal, State, local and company ceiling limits."

**Discussion:** It appears the commenter has in mind an industrial fixed location where levels of concentration of fumes or gases can be controlled or foreseen.

This might be the case in an offshore production platform where conditions are fairly well established and, what is more important, there is minimal use of personnel. However, this is not the case



on an offshore drilling rig where suddenly, in the process of drilling, the presence of  $H_2S$  might be detected in gas-cut drilling mud and the level of concentration in the air can increase rapidly. At times, it could take several hours to bring the condition under control. Moreover, an offshore drilling rig is a location with confined boundaries where escape for personnel may be limited to boarding a helicopter, crewboat, or other similar vessel available in the immediate vicinity.

As shown on Table II, page 4, of the American Petroleum Institute (API) Recommend Practice (RP) for "Safe Drilling of Wells Containing Hydrogen Sulfide," API RP 49, a constant level of concentration of 20 parts per million (ppm) is safe for 8 hours of exposure, but a level of 100 ppm kills the sense of smell in 3 to 15 minutes and exposes individuals to a false sense of safety. As the concentration of  $H_2S$  increases further, it can cause unconsciousness followed by death.

In an emergency situation, such as the sudden appearance of  $H_2S$ , it might be very difficult or academic to specifically define or ascertain the areas of concentration exhibiting excess of Federal, State, local, and company ceiling limits as suggested by the commenter. In the meantime, personnel should not be expected to bring the  $H_2S$  emergency under control while being exposed to unnecessary risks. Therefore, the Standard requires in subsection 5.2.2(a) that protective-breathing apparatus shall be worn by all working personnel when the concentration of  $H_2S$  reaches 20 ppm and that all nonworking personnel shall proceed to the safe briefing areas.

As noted in the Federal Register Notice of December 28, 1981 (46 FR 62717), it appears that only pressure-demand-type respirators give adequate protection for personnel working in  $H_2S$ , or  $SO_2$  environments. This conclusion is based mainly on the requirements of the 1980 edition of the American National Standards Institute (ANSI) Standard Z88.2 and on recommendations of the National Institute for Occupational Safety and Health (NIOSH).

With respect to economical feasibility concerning the proposed requirement to use pressure-demand-type respirators in lieu of other respirators, it is noted that it means a cost increase of about \$65 per respirator unit. Normally, an offshore drilling/production facility has two crews—a day shift and a night shift—for a total of about 150 persons. About 50 percent of the employees of drilling/production facilities already have pressure-demand-type respirators. Consequently, the \$65-multiplied by 75

employees (150/2) represents a one-time cost of \$4,875 per drilling/production facility.

This amount is minimal when the safety of 150 persons is considered.

It is also noted that the revocation of the eardrum examination, found reasonable by the commenter, would result in an annual saving of about \$10,000 per drilling/production facility to the lessees. The eardrum examination includes doctor's fees, the cost of crew's and/or professional staff's time, transportation cost, etc. Due to the transient nature of drilling work on the OCS, the scheduling for examinations could result in costly disruption of normal drilling activities.

Doctor's fee per employee examined is about \$20; labor costs per person working on an offshore drilling rig range from about \$20 per hour for a rotary helper (roughneck) to about \$50 per hour for a senior drilling engineer; transportation costs per employee before or after assignment to a drilling rig would vary (drilling rigs are usually located between 30 miles to 250 miles from shore); the time lost per employee for examination, including time to come and go from job assignment and time waiting for examination, would vary; and other miscellaneous costs, such as recordkeeping, would also vary. By combining all these factors it can be estimated that, as an average, an eardrum examination would cost about \$500 per person. Due to the turnover and transient nature of the work it is estimated that 20 employees (about 13 percent of the 150 employees per drilling/production facility) would require eardrum examinations per rig per year. Therefore, eardrum examinations would cost about \$10,000 (\$500 x 20) per drilling/production facility per year.

The annual saving of \$10,000 per rig as a result of the removal of the eardrum examination requirement would more than offset the one-time cost of \$4,875 per rig to purchase the pressure-demand-type respirators. Therefore, we do not agree that the proposed requirement is "not practical or economically feasible" as stated by the commenter.

Comment: One commenter agreed that the revocation of the eardrum examination was warranted and did not have any objections concerning the requirement for pressure-demand-type respirators, but added: "It is presumed that the new wording will not prohibit the use of combination pressure-demand, air-line breathing equipment, with auxiliary self-contained air supply for emergency egress which is considered acceptable for  $H_2S$  drilling

operations in the latest edition of API RP 49."

Discussion: The presumption of the commenter is correct. The wording of the proposed requirement does not prohibit the use of combination pressure-demand, air-line breathing equipment, with auxiliary self-contained air supply for emergency egress mentioned by the commenter.

Comment: One commenter stated: "We are not opposed to the requirement of pressure-demand-type respirators for use in  $H_2S$  and  $SO_2$  environments with accessory equipment to be available as needed. However, we believe that USGS (MMS) should adopt the 50 ppm ANSI Standard Z88.2-1980 rather than a lower standard."

We have determined in telephone consultation with the commenter that ANSI Standard Z88.2-1980 does not specify 50 ppm and that he intended to cite the recommendation of the NIOSH, quoted in the Federal Register Notice of December 28, 1981, as follows: "For emergency use, or in unknown concentrations or concentrations in excess of 70 mg/m<sup>3</sup> (50 ppm) only a full facepiece positive pressure self contained breathing apparatus is adequate." (It is noted here that in the Federal Register Notice of December 28, 1981 (46 FR 62717), the phrase " \* \* \* excess of 70 mg/in<sup>3</sup> \* \* \*" was in error; it should have been " \* \* \* excess of 70 mg/m<sup>3</sup> \* \* \*").

The commenter explained that he was suggesting that the 50 ppm might be in conflict with statements in other sections of the  $H_2S$  Standard, such as subsection 5.2.2(a) where it is stated "If the concentration of  $H_2S$  reaches 20 parts per million, protective-breathing apparatus shall be worn by all working personnel \* \* \*."

Discussion: In our opinion, the requirement of subsection 5.2.2(a) does not conflict with the requirement of the proposed revised subsection 5.2.5, paragraph (a), since the former specifies "when" the protective-breathing apparatus should be worn, while the latter specifies "what type" of protective-breathing apparatus should be used.

Moreover, the 20 ppm requirement of subsection 5.2.2(a) is the threshold limit for  $H_2S$  given in Table I, page 4, of API RP 49, First Edition, as the acceptable ceiling concentration for 8-hour exposure based on a 40-hour week. We believe that threshold limit is appropriate because an offshore duty tour lasts 12 continuous hours for 7 continuous days on a week-on, week-off basis.

The threshold limit of 20 ppm might be rapidly surpassed when, in the process of drilling, the sudden presence of H<sub>2</sub>S is detected; therefore, the difference between 20 ppm and 50 ppm provides an additional safety margin.

**Comment:** One commenter suggested that the phrase " \* \* \* shall be equipped with \* \* \*" of the proposed revision of subsection 5.2.5, paragraph (a), implied that respirators should be worn at all times and proposed to change the phrase to say " \* \* \* shall have immediate access to \* \* \*" so the requirement would clarify the idea that respirators should be worn only when needed.

**Discussion:** Although we do not agree that the mentioned phrase has the implication suggested by the commenter, we agree that the commenter's proposed wording change would clarify the interpretation of the proposed requirement. Therefore, we have adopted the suggested wording change and added the words "stored in accordance with 5.2.5(b)" at the end of the sentence. Now the introductory sentence of paragraph (a) of subsection 5.2.5 reads as follows:

All personnel on a drilling facility or aboard marine vessels serving the facility in H<sub>2</sub>S and SO<sub>2</sub> environments shall have immediate access to a pressure-demand type respirator stored in accordance with 5.2.5(b).

**Comment:** One commenter suggested that the reference to "§§ 11.70 through 11.83-19" in the Federal Register Notice of December 28, 1981 (46 FR 62717), should be "§§ 11.70 through 11.85-19."

**Discussion:** We agree. The reference to "§§ 11.70 through 11.83-19" was in error; it should have been "§§ 11.70 through 11.85-19" as suggested. We have changed the phrase accordingly.

#### Drafting Information

The primary author of the amendment is Mario Rivero, OCS Orders and Standards Section, Branch of Offshore Rules and Procedures, Mail Stop 640, Minerals Management Service, 12203 Sunrise Valley Drive, Reston, Virginia 22091; telephone (703) 860-7916 or FTS 928-7916.

#### Statement of Significance

The Department of the Interior has determined that the proposed amendment to the standard does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an environmental impact statement is not required.

The Department has determined that this amendment is not a major action and does not require a regulatory impact analysis under Executive Order 12291.

The Department has determined that this amendment does not have a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

Dated: May 20, 1982.

James N. Parrish,

Acting Chief, Offshore Minerals Management Division.

For the reasons set forth above, section 5.2 of the Standard MMSS-OCS-1 is amended as follows:

1. In section 5.2, the introductory paragraph is removed.

2. In subsection 5.2.5, paragraph (a) is revised to read as follows:

#### 5.2.5. Personnel Protective Equipment.

(a) All personnel on a drills facility or aboard marine vessels serving the facility in H<sub>2</sub>S and SO<sub>2</sub> environments shall have immediate access to a pressure-demand-type respirator stored in accordance with 5.2.5(b).

Accessory equipment, such as voice-transmission devices and spectacle kits, shall be make available, as needed.

The design, selection, use, and maintenance of the pressure-demand-type respirator used in a H<sub>2</sub>S or SO<sub>2</sub> environment shall conform to—

(1) Title 29 of the *Code of Federal Regulations*, Subpart I—Personnel Protective Equipment, § 1910.132, *General requirements*, and § 1910.134, *Respiratory protection*;

(2) Title 30 of the *Code of Federal Regulations*, Subpart A—General Provisions, § 11.2-1, *Selection, fit, use, and maintenance of approved respirators*, and Subpart H—Self-Contained Breathing Apparatus, §§ 11.70 through 11.85-19; and

(3) American National Standards Institute (ANSI), Inc., Standard ANSI Z88.2-1980, "Practice for Respiratory Protection."

\* \* \* \* \*

(43 U.S.C. 1334)

[FR Doc. 82-17876 Filed 6-30-82; 6:45 am]

BILLING CODE 4310-MR-M

# Joint Resolution

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Thursday  
July 1, 1982

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## Part IV

### Office of Management and Budget

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Budget Rescissions and Deferrals

**OFFICE OF MANAGEMENT AND  
BUDGET****Budget Rescissions and Deferrals**

**To the Congress of the United States:**

In accordance with the Impoundment Control Act of 1974, I herewith report a proposal to rescind \$8 million in budget authority previously provided to the Office of the Federal Inspector of the Alaska Natural Gas Transportation System. In addition, I am reporting a new deferral of \$3.6 million in funds appropriated to the Office of the Solicitor and Office of the Secretary of the Department of the Interior.

The details of the rescission proposal and deferral are contained in the attached report.

**Ronald Reagan,**

THE WHITE HOUSE, June 23, 1982.

BILLING CODE 3110-01-M

# CONTENTS OF SPECIAL MESSAGE (in thousands of dollars)

Rescission #	Item	Budget Authority
R82-27	Other Independent Agencies	
	Office of the Federal Inspector for the Alaska Natural Gas Transportation System	8,000
	Salaries and expenses.....	8,000
	Subtotal, rescission proposal.	8,000
Deferral #	Item	Budget Authority
	Department of the Interior	
	Office of the Solicitor and Office of the Secretary	3,613
	Construction management.....	3,613
D82-251	Subtotal, deferral.....	3,613
	Total, rescission proposal and deferral.....	11,613
	*****	*****
	SUMMARY OF SPECIAL MESSAGES FOR FY 1982 (in thousands of dollars)	

	Rescissions	Deferrals
Fourteenth special message		
New items.....	8,000	3,613
Change to amount previously submitted.....	---	---
Effect of fourteenth special message.....	8,000	3,613
Previous special messages.....	7,576,998	8,135,291
Total amount proposed in special messages.....	7,584,998	8,138,904

1/ This amount represents budget authority except for \$20,922 thousand in one general revenue sharing deferral of outlays only (D82-23A).

Rescission Proposal No: R82-27  
PROPOSED RESCISSION OF BUDGET AUTHORITY  
Report Pursuant to Section 1012 of P.L. 93-344

Agency Office of the Federal Inspector, Alaska Natural Gas Trans. System Bureau	New budget authority (P.L. 97-100)	\$ 27,425,000
Appropriation title & symbol	Other budgetary resources	244,000
Salaries and expenses 5220100	Total budgetary resources	27,669,000
	Amount proposed for rescission	\$ 8,000,000
OMB identification code: 52-0100-0-1-276	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other	
Type of account or fund: <input checked="" type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> No-year	<input type="checkbox"/> Other	

## Justification:

This proposal reflects a two-year delay in the Alaskan gas pipeline project beyond the one-year delay announced in April 1982. The consortium of private companies sponsoring the project now are assuming the project will be completed in 1989. Due to the delays, the Office of the Federal Inspector, which oversees private sector planning and construction of the pipeline, will be unable to expand its program in 1982 as previously planned. Since consequently, a rescission of \$8,000,000 is being proposed since these funds are no longer needed.

## Estimated Effect:

If approved, this rescission proposal would reduce budget authority by \$8 million and bring resources in line with the new construction schedule for the project.

## Outlay Effects: (in millions of dollars)

1982 Outlay Estimate	1982	1983	1984	1985
Without Rescission	18.5	7.6	0.4	--
With Rescission	26.1	18.5	7.6	0.4
Outlay Savings				

Deferral No: D82-251

# DEFERRAL OF BUDGET AUTHORITY Report Pursuant to Section 1013 of P.L. 93-344

## FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE

Permitting and Enforcement

Appropriations under the heading "Federal Inspector for the Alaska Gas Pipeline", provided by Public Law 97-100, are rescinded in the amount of \$8,000,000.

Agency	Department of the Interior	New budget authority (P.L. 97-100)	\$ 3,840,000
Bureau	Office of the Solicitor and Office of the Secretary	Other budgetary resources	4,773,000
Appropriation title & symbol		Total budgetary resources	8,613,000
	142-30103 Construction Management	Amount to be deferred:	
	141 20103 1	Part of year	
		Entire year	3,613,000
CMB identification code:	84-0103-0-1-306	Legal authority (in addition to sec. 1013):	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Antideficiency Act	
Type of account or fund:		<input type="checkbox"/> Other	
<input type="checkbox"/> Annual	September 30, 1993	Type of budget authority:	
<input checked="" type="checkbox"/> Multiple-year (expiration date)	September 30, 1982	<input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> No-year		<input type="checkbox"/> Contract authority	
		<input type="checkbox"/> Other	

Justification: This appropriation provides for necessary expenses of the Office of Construction Management to assist the Bureau and Offices of the Department of the Interior in improving their performance in planning, designing, constructing and operating facilities. Although this function was funded on an annual basis under the "Departmental Management" appropriation in FY 1980, P.L. 96-514 established a separate appropriation for the program in FY 1981 and also provided greater program flexibility by making funds available on a two-year basis. P.L. 97-100 appropriated \$3.8 million in FY 1982 to remain available for obligation until the end of FY 1983. Current plans for FY 1982 require only \$5 million of the total resources available. Accordingly, \$3.6 million is being deferred to provide for the FY 1983 program.

This deferral action is taken under the provisions of the Antideficiency Act 31 U.S.C. 665.

Estimated Effect: Funding availability for FY 1982 will be reduced by \$3.6 million with no significant impact on FY 1982 program activity. Carryover balances from FY 1981, as reflected above, will fund the majority of FY 1982 activity. Carryover balances from FY 1982 will provide for a continuation of current operations in FY 1983.

Outlay Effect: This deferral action will have no effect on outlays.

1. None of these funds is deferred.

[FR Doc. 82-18008 Filed 6-30-82; 8:45 am]

BILLING CODE 3110-01-C

# Reader Aids

Federal Register

Vol. 47, No. 127

Thursday, July 1, 1982

## INFORMATION AND ASSISTANCE

### PUBLICATIONS

#### Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

#### Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

#### Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

#### Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

#### United States Government Manual

523-5230

### SERVICES

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Automation	523-3408
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Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

## FEDERAL REGISTER PAGES AND DATES, JULY

28605-28894..... 1



**AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK**

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

**TABLE OF EFFECTIVE DATES AND TIME PERIODS—JULY 1982**

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (see 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
July 1	July 16	August 2	August 16	August 30	September 29
July 2	July 19	August 2	August 16	August 31	September 30
July 6	July 21	August 5	August 20	September 7	October 4
July 7	July 22	August 6	August 23	September 7	October 5
July 8	July 23	August 9	August 23	September 7	October 6
July 9	July 26	August 9	August 23	September 7	October 7
July 12	July 27	August 11	August 26	September 10	October 12
July 13	July 28	August 12	August 27	September 13	October 12
July 14	July 29	August 13	August 30	September 13	October 12
July 15	July 30	August 16	August 30	September 13	October 13
July 16	August 2	August 16	August 30	September 14	October 14
July 19	August 3	August 18	September 2	September 17	October 17
July 20	August 4	August 19	September 3	September 20	October 18
July 21	August 5	August 20	September 7	September 20	October 19
July 22	August 6	August 23	September 7	September 20	October 20
July 23	August 9	August 23	September 7	September 21	October 21
July 26	August 10	August 25	September 9	September 24	October 25
July 27	August 11	August 26	September 10	September 27	October 25
July 28	August 12	August 27	September 13	September 27	October 26
July 29	August 13	August 30	September 13	September 27	October 27
July 30	August 16	August 30	September 13	September 28	October 28

**CFR CHECKLIST; 1981-82 ISSUANCES**

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1981/82. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

**CFR Unit (Rev. as of Jan. 1, 1982):**

Title	Price
<b>1-2</b> .....	\$5.50
<b>3</b> .....	7.00
<b>4</b> .....	7.50
<b>5 Parts:</b>	
1-1199.....	8.00
1200-end.....	6.00
<b>7 Parts:</b>	
0-45.....	8.50
46-51.....	7.50
52.....	8.50
53-209.....	8.50
210-299.....	8.00
300-399.....	6.50
400-699.....	7.50
700-899.....	7.50
900-999.....	9.50
1000-1059.....	7.50
1060-1119.....	7.50
1120-1199.....	6.50
1200-1499.....	7.50
1500-1899.....	6.50
1900-1944.....	8.50
1945-end.....	8.00
<b>8</b> .....	6.00
<b>9 Parts:</b>	
1-199.....	7.50
200-end.....	7.50
<b>10 Parts:</b>	
0-199.....	8.50
200-399.....	7.50
400-499.....	8.00
500-end.....	8.00
<b>12 Parts:</b>	
1-199.....	6.50
300-499.....	7.00
500-end.....	8.50
<b>13</b> .....	8.00
<b>14 Parts:</b>	
1-59.....	8.00
60-139.....	8.00
140-199.....	6.50
200-1199.....	8.50
1200-end.....	6.50
<b>15 Parts:</b>	
0-299.....	6.50
300-399.....	7.50
400-end.....	7.50
<b>16 Parts:</b>	
0-149.....	7.00
150-999.....	7.00
1000-end.....	7.50
<b>CFR Index</b> .....	9.50

**CFR Unit (Rev. as of Apr. 1, 1982):**

<b>20 Parts:</b>	
400-499.....	8.00
<b>21 Parts:</b>	
1-99.....	7.00
200-299.....	5.50
600-799.....	6.00
800-1299.....	7.00
1300-end.....	5.50
<b>26 Parts:</b>	
1 (§§ 1.170-1.300).....	7.50
1 (§§ 1.301-1.400).....	7.00
1 (§§ 1.501-1.640).....	7.50
1 (§§ 1.1201-end).....	9.00
300-499.....	7.00
600-end.....	5.50

**CFR Unit (Rev. as of July 1, 1981):**

<b>28 (Rev. 11/1/81).....</b>	<b>8.00</b>
<b>29 Parts:</b>	
0-99.....	9.50
100-499.....	6.50
500-899.....	9.00
900-1899.....	6.50
1900-1910.....	9.00
1911-1919.....	6.00
1920-end.....	8.50
<b>30 Parts:</b>	
0-199.....	8.50
200-end.....	9.00

<b>31 Parts:</b>	
0-199.....	7.00
200-end.....	8.00
<b>32 Parts:</b>	
1-39, Vol. I (rev. Aug. 1, 1981).....	9.00
1-39, Vol. II (rev. Aug. 1, 1981).....	13.00
1-39, Vol. III (rev. Aug. 1, 1981).....	9.50
40-399.....	13.00
400-699.....	10.00
700-799.....	8.50
800-999.....	8.00
1000-end.....	7.00

<b>33 Parts:</b>	
1-199.....	9.50
200-end.....	8.50

<b>34 Parts:</b>	
1-399.....	14.00
400-end.....	8.50
<b>35 (Rev. 12/31/81).....</b>	<b>6.50</b>

<b>36 Parts:</b>	
1-199.....	6.50

200-end.....	7.50
<b>37</b> .....	<b>6.50</b>
<b>38 Parts:</b>	
0-17.....	8.00
18-end.....	7.00
<b>39</b> .....	<b>6.50</b>
<b>40 Parts:</b>	
0-51.....	8.50
<b>52</b> .....	<b>9.50</b>
53-80.....	9.00
81-99.....	9.50
100-149.....	12.00
150-189.....	7.50
190-399.....	13.00
400-424.....	8.00
425-end.....	8.00
<b>41 Chapters:</b>	
1 (1-1 to 1-10).....	8.00
1 (1-11 to App.)-2.....	7.50
3-6.....	8.50
7.....	5.25
8.....	5.00
9.....	8.00
10-17.....	7.50
18 (Volume I).....	8.00
18 (Volume II).....	9.50
18 (Volume III).....	8.00
19-100.....	8.00
101.....	9.00
102-end.....	7.00

**CFR Unit (Rev. as of Oct. 1, 1981):**

<b>42 Parts:</b>	
1-60.....	7.50
61-399.....	6.50
400-end.....	9.00

<b>43 Parts:</b>	
1-999.....	7.00
1000-3999.....	8.50
4000-end.....	6.50
<b>44</b> .....	<b>7.50</b>
<b>45 Parts:</b>	
1-199.....	7.00
200-499.....	6.00
500-1199.....	7.50
1200-end.....	7.00
<b>46 Parts:</b>	
1-29.....	5.50
30-40.....	5.50
41-69.....	7.50
70-89.....	6.00
90-109.....	6.50
140-155.....	6.50
156-165.....	7.00
166-199.....	6.50
200-399.....	8.00
400-end.....	8.00
<b>47 Parts:</b>	
0-19.....	7.50
20-69.....	9.50
70-79.....	8.00
80-end.....	8.50
<b>49 Parts:</b>	
1-99.....	6.00
100-177.....	9.00
178-199.....	8.00
200-399.....	7.50
400-999.....	8.00
1000-1199.....	7.50
1200-1299.....	8.00
1300-end.....	7.00
<b>50 Parts:</b>	
1-199.....	6.50
200-end.....	8.00

**MICROFICHE EDITION OF THE CFR:**

The CFR is now available on microfiche from the Superintendent of documents, Government Printing Office, Washington, D.C. 20402, at the following prices:

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**CFR ISSUANCES****Projected 1982 CFR Issuances  
January, April and July Quarters**

This list restates the publication plans for the January and April, 1982 quarters and projects the publication plans for the July, 1982 quarter. A projected schedule that will include the October, 1982 quarter will appear in the first **Federal Register** issue of October, 1982, immediately after the CFR checklist.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1-16—January 1  
Titles 17-27—April 1  
Titles 28-41—July 1  
Titles 42-50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

**Titles revised as of January 1, 1982:**

Title	Title
<b>CFR Index</b>	<b>9 Parts:</b>
1-2	1-199
3 Compilation	200-end
4	<b>10 Parts:</b>
5 Parts:	0-199
1-1199	200-399
1200-end	400-499
	500-end
<b>7 Parts:</b>	<b>11 (cover only)</b>
0-45	<b>12 Parts:</b>
46-51	1-199
52	200-299
53-209	300-499
210-299	500-end
300-399	13
400-699	<b>14 Parts:</b>
700-899	1-59
900-999	60-139
1000-1059	140-199
1060-1119	200-1199
1120-1199	1200-end
1200-1499	<b>15 Parts:</b>
1500-1899	0-299
1900-1944	300-399
1945-end	400-end
8	<b>16 Parts:</b>
	0-149
	150-999
	1000-end

**Titles revised as of April 1, 1982:**

Title	Title
<b>17 Parts:</b>	<b>23</b>
0-239	<b>24 Parts:</b>
240-end	0-199
<b>18 Parts:</b>	200-499
1-149	500-799
150-399	800-1699
400-end	1700-end
19	<b>25</b>
<b>20 Parts:</b>	<b>26 Parts:</b>
1-399	1 (§§ 1.0-1-1.169)
400-499	1 (§§ 1.170-1.300)
500-end	1 (§§ 1.301-1.400)
<b>21 Parts:</b>	1 (§§ 1.401-1.500)
1-99	1 (§§ 1.501-1.640)
100-169	1 (§§ 1.641-1.850)
170-199	1 (§§ 1.851-1.1200)
200-299	1 (§§ 1.1201-end)
300-499	2-29
500-599	30-39
600-799	40-299
800-1299	300-499
1300-end	500-599 (Cover only)
1308 Table (Cover only)	600-end
22	<b>27 Parts:</b>
	1-199
	200-end

**Titles revised as of July 1, 1982:**

Title	Title
<b>28</b>	<b>35</b>
<b>29 Parts:</b>	<b>36 Parts:</b>
0-99	1-199
100-499	200-end
500-899	<b>37</b>
900-1899	<b>38 Parts:</b>
1900-1910	0-17
1911-1919	18-end
1920-end	<b>39</b>
<b>30 Parts:</b>	<b>40 Parts:</b>
0-199	0-51
200-end	52
<b>31 Parts:</b>	53-80
0-199	81-99
200-end	100-149
<b>32 Parts:</b>	150-189
1-39, Vol. I	190-399
1-39, Vol. II	400-424
1-39, Vol. III	425-end
40-399	<b>41 Parts:</b>
400-699	Chap. 1 (1-1 to 1-10)
700-799	Chap. 1 (1-11 to App.)-2
800-999	Chap. 3-6
1000-end	Chap. 7
<b>33 Parts:</b>	Chap. 8
1-199	Chap. 9
200-end	Chap. 10-17
<b>34 Parts:</b>	Chap. 18 Vol. I
1-399	Chap. 18 Vol. II
400-end	Chap. 18 Vol. III
	Chap. 19-100
	Chap. 101
	Chap. 102-end

**List of Public Laws**

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last Listing June 30, 1982